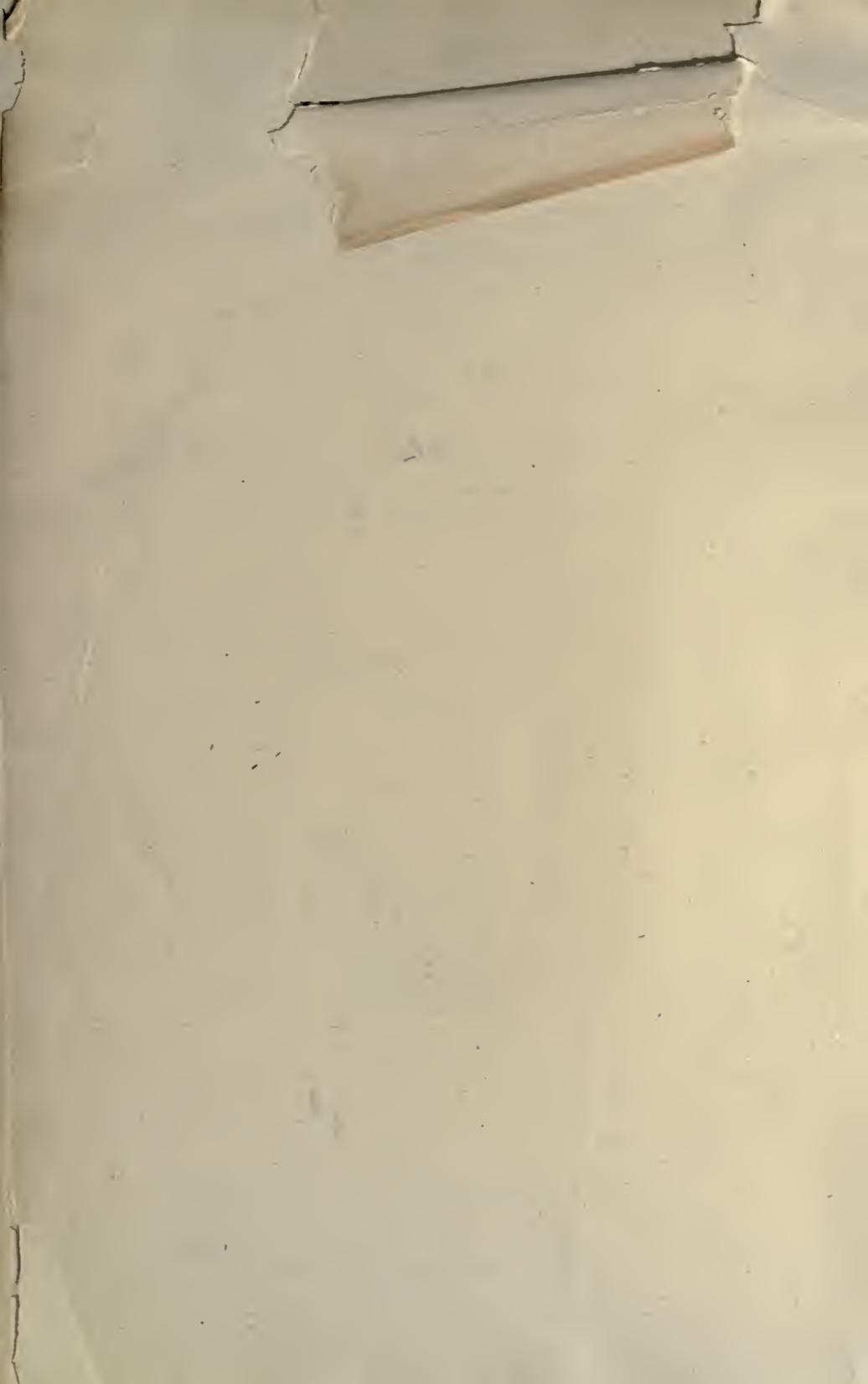
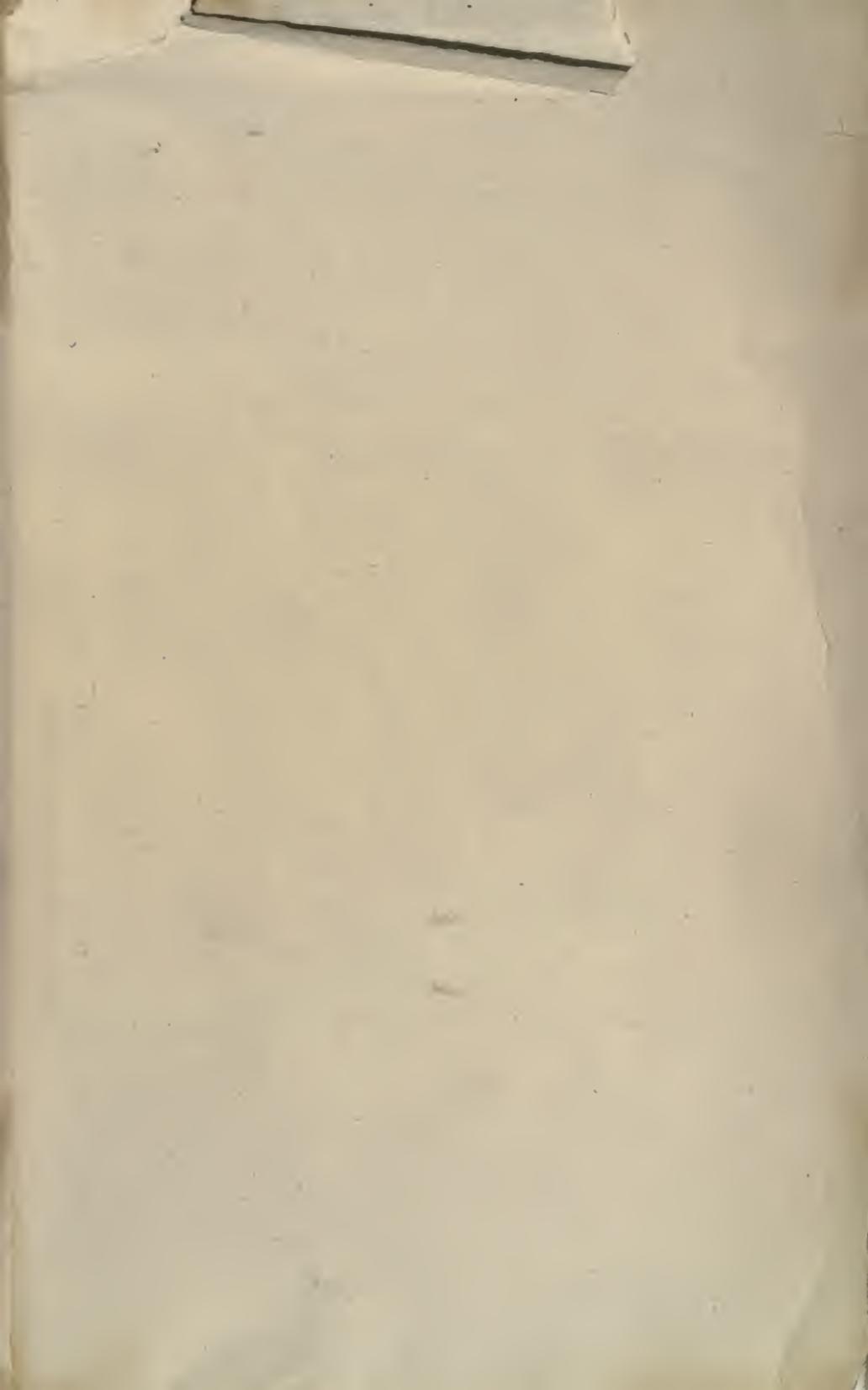


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HISTORICAL REVIEW

THE ENGLISH

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KEEPER OF THE ARCHIVES OF THE UNIVERSITY OF OXFORD  
AND FELLOW OF MAGDALEN COLLEGE AND OF THE BRITISH ACADEMY

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# THE ENGLISH HISTORICAL REVIEW

NO. CXXV.—JANUARY 1917\*

## *Modern History in Oxford, 1724-1841*

ANY account of the study of modern history in the English universities must naturally begin with the foundation of the professorships of that subject at Oxford and Cambridge by George I. Yet it must not be inferred that the subject was not read by young men in the universities before that date. It was part of their private reading; and when they studied it they did so for their own pleasure or profit, not because it was prescribed by authority. The only recognized historical study was ancient history. That flourished most at Oxford, where Camden in 1622 had founded a chair for the subject and endowed it with an annual stipend of £140 per annum, and where the existence of the University Press did much to encourage the publication of works bearing on ancient history.<sup>1</sup>

It cannot be said that the establishment of professorships of modern history at Oxford and Cambridge was due to any demand for such teaching in the universities themselves. The impulse came from outside. Statesmen and men of the world had long been agreed on the educational value of history and on the practical utility of a knowledge of modern history. Their ideas on the subject can be gathered from Bolingbroke and Chesterfield. History, wrote Bolingbroke, is the study 'of all others the most proper to train us up to private and public virtue'. It is useful in forming our moral character and making us better men. In the first place it supplies us with a stock of good examples. In the second place, 'To converse with historians is to keep good company; many of them were excellent men, and those who were not have taken care to appear such in their writings'.

<sup>1</sup> At Cambridge, Lord Brooke founded in 1627 'A Publique Lecture of Historie'. The lectureship was practically suppressed by the government of Charles I, and the endowment disappeared: J. Bass Mullinger, *The University of Cambridge*, ii. 85, 674.

As an intellectual training it was equally valuable. History, as Dionysius of Halicarnassus had said, was 'Philosophy teaching by example'. The school of example was the world, and the masters in that school were history and experience. 'Experience is doubly defective: we are born too late to see the beginning, and we die too soon to see the end of many things. History supplies both these defects. Modern History shows the causes when Experience presents the effects alone.' A man of parts may thereby 'sharpen the penetration, fix the attention of his mind, and strengthen his judgment; he may acquire the faculty and the habit of discerning quicker, and looking farther; and of exerting that flexibility and steadiness, which are necessary to be joined in the conduct of all affairs that depend on the concurrence or opposition of other men'. Ancient history he held to be of less value than modern for these purposes; it was curious and interesting rather than instructive. What was really useful for a man who wished to be of service to his country was the history of the last two centuries, that is the period from the end of the fifteenth century to the present day (1735). The Reformation created a new situation and a new set of conditions in Europe. It marked the beginning of 'a new epocha or era'.<sup>2</sup>

Chesterfield in his *Letters to his Son* took the same line, but his arguments were less philosophical and more practical. Ancient history is valuable for the examples it affords rather than for the facts.

Your destination is the great and busy world; your immediate object is the affairs, the interests, and the history, the constitutions, the customs, and the manners of the several parts of Europe. In this any man of common sense may by common application be sure to excel. . . . Modern History, by which I mean particularly the history of the last three centuries, should be the object of your greatest and constant attention, especially of those parts of it which relate more immediately to the great powers of Europe.

Modern languages must be studied side by side with modern history. First French and German as the most important, then Italian and Spanish. 'You must absolutely speak all the modern languages as purely and correctly as the natives of the respective countries; for whoever does not speak a language perfectly and easily, will never appear to advantage in conversation or treat with others in it upon equal terms.'

The last sentence explains the difference between Bolingbroke's and Chesterfield's purpose. Bolingbroke thought of history as a training for public life in general, and insisted on

<sup>2</sup> *Letters on the Study of History*, ed. 1870, pp. 5, 6, 10, 13, 17, 20, 50.

modern history, but did not dwell on the importance of modern languages. Chesterfield throughout thought of history as a training for the diplomatic service. 'You', he wrote to his son, 'are the only one I ever knew of this country, whose education was from the beginning calculated for the department of foreign affairs.'<sup>3</sup> Studying abroad where languages could be learnt easily and naturally, and polished by early experience of good society, his son would have a great advantage over young men trained in the universities in the ordinary way.

They are commonly 20 years old before they have spoken to anybody above their schoolmaster and the Fellows of their College. If they happen to have learning it is only Greek and Latin; but not one word of Modern History or Modern Languages. Thus prepared they go abroad, as they call it; but in truth they stay at home all that while, for being very awkward, confoundedly ashamed, and not speaking the languages, they go into no foreign company, at least none good, but dine and sup with one another only at the tavern.<sup>3</sup>

There was a third reason sometimes suggested for the study of modern history, a political reason. The country gentlemen were very generally tories, and whigs held it was largely due to their ignorance of the history of their own country. 'The gentry', wrote Bishop Burnet, 'are for the most part the worst instructed and the least knowing of any of their rank I ever went amongst.' The universities generally imbued them with the worst possible principles. 'In those seats of education, instead of being formed to love their country and constitution, the laws and liberties of it, they are rather disposed to love arbitrary government and to become slaves to absolute monarchy.' They ought to be so trained that they would acquire 'a true measure of solid knowledge' and become possessed with 'a love to their country, and a zeal for liberty'. To secure that, 'Plutarch's Lives, with the Greek and Roman history, ought to be early put in their hands; they ought to be well acquainted with all history, more particularly that of our own nation, which they should not read in abridgments, but in the fullest and most copious collectors of it, that they may see to the bottom what is our constitution, and what are our laws, what are the methods bad princes have taken to enslave us, and by what conduct we have been preserved'. Add to this historical knowledge some knowledge of law and a country gentleman's education would be completed. He would be qualified not only to be a good justice of the peace, but also for that 'which ought to be the top of an English gentleman's ambition, to be an able parliament man'.<sup>4</sup> The bishop

<sup>3</sup> Chesterfield's *Letters to his Son*, ed. 1827, i. 192, 283, 285.

<sup>4</sup> *History of My Own Time*, ed. 1836, vi. 207-14.

assumed that, as a matter of course, a gentleman educated on these lines would cease to be a Jacobite or a high tory, and become a supporter of the Hanoverian line.

Thus for various reasons there was a desire amongst men of mark outside the universities that some training in modern history should form part of the studies pursued there. Yet, however strong the educational arguments in favour of the introduction of the new study might have been, they would have remained insufficient but for political considerations. Both universities, dominated as they were by the feelings which inspired the English clergy in general, were at the beginning hostile to the house of Hanover. Of the two Oxford was most conspicuous in its Jacobitism, and a whig wit described it as the last garrison that held out in England for the Pretender.<sup>5</sup> Cambridge, without feeling much affection for the new dynasty, showed less active disloyalty. The government of George I was anxious to do something to conciliate these learned bodies and to improve their temper. In 1724 the king's advisers devised a scheme for this purpose. The authors of the plan were Lord Townshend, principal secretary of state, and Edmund Gibson, bishop of London. Writing to the king about April 1724, and surveying the state of the nation and the temper of different public bodies as tested by the discovery of Atterbury's plot, Townshend spoke as follows :

The Universities have behaved themselves, at least, inoffensively, and some steps have been taken by your Majesty to make it no less their interest than duty to cherish and propagate principles of loyalty and affection to your government.

The nature of the step referred to was shown by an announcement which appeared in the *London Gazette* for 17-21 March 1723/4. Henceforth the duty of preaching in the King's chapel at Whitehall was to be performed by '24 persons who are Fellows of Colleges in the two Universities, twelve from Oxford and 12 from Cambridge'.<sup>6</sup> Each divine was to be on duty for a month in the year, and to receive for his pains a salary of thirty pounds. It was naturally expected that the prospect of obtaining this little endowment would be a premium in favour of loyalty. None, it was reported in Oxford, 'must hope for a share in this bounty, but they who are staunch Whigs, and openly declare themselves to be so'.<sup>7</sup>

This benefaction was only a part of the government's scheme. Later in the letter, Townshend speaks of 'some farther encourage-

<sup>5</sup> Toland, *The State Anatomy of Great Britain*, 1717, p. 52, quoted by Boyer, *Political State of Great Britain*, xxviii. 479.

<sup>6</sup> See J. W. Clark, *Endowments of the University of Cambridge*, p. 46. The preachers were reduced to two in 1837, and the appointment lapsed in 1890.

<sup>7</sup> *Portland MSS.*, vii. 377.

ments' which would make the majority of the clergy and the two universities favourable to the king. 'As your majesty knows that I have always had the gaining them over to your Majesty very much at heart, so I have lately had frequent conversations with the bishop of London, who is, with me, fully persuaded it would be very practicable to reduce them to a better sense of their duty; and we have already made a rough draft of some things proper to this end.'<sup>8</sup> The result of this deliberation was the foundation of a new professorship in each university.

On 20 May 1724 Hearne noted in his *Diary* that 'yesterday at two o'clock in the afternoon was a convocation, when a letter was read from King George (as the Duke of Brunswick is styled) offering the foundation of a new professorship to teach the modern tongues and modern history, in which George himself is to put in the professor'.<sup>9</sup> The king's letter was dated 16 May 1724, and countersigned by Lord Townshend. It was directed to both universities, set forth that the king's desire was to encourage them and to enable them the better to answer the end for which they were instituted 'by sending forth constant supplies of able and learned men to serve the public both in church and state'. His majesty had observed

that no encouragement or provision has hitherto been made in either of the said Universities for the study of Modern History or Modern Languages, the knowledge of which is highly necessary towards compleatly qualifying the youth committed to their care for several stations both in Church and State to which they may be called, and having seriously weighed the prejudice that has accrued to the said Universitys from this defect, persons of foreign nations being often employed in the education and tuition of youth, both at home and in their travels, and great numbers of young nobility and gentry being either sent abroad directly from school, or taken away from the Universitys before the course of their studys can be there compleated, and opportunitys frequently lost to the crown of employing and encouraging members of the two Universitys by conferring on them such employment both at home and abroad, as necessarily require a competent skill in writing and speaking the modern languages.<sup>10</sup>

he had therefore determined to appoint two persons 'skilled in modern history and the knowledge of modern languages' to be professors in the universities. Each was to have a salary of £400 a year, but out of that salary he was to pay two teachers, who, under the direction of the professor, were to give instruction in modern languages. In each university, twenty scholars nominated by the king were to be taught gratis by the professor

<sup>8</sup> Coxe's *Life of Sir Robert Walpole*, ii. 297, 299.

<sup>9</sup> Bliss, *Reliquiae Hearnianae*, ii. 200.

<sup>10</sup> J. W. Clark, *Endowments of the University of Cambridge*, p. 185.

and his two assistants. Special care was to be taken by professors and teachers 'that the times and hours for instructing and teaching the said scholars be so ordered as not to interfere with those appointed for their academical teaching. Each student was to learn at least two modern languages. Finally, professors and teachers once every year were

to transmit an attested account of the progress made by each scholar committed to their care, to our principal secretaries of State, to be laid before us, that we may encourage the diligence and application of such amongst them, as shall have qualified themselves for our service, by giving them suitable employments either at home or abroad, as occasions shall offer.<sup>11</sup>

Cambridge replied at once, and with enthusiasm. It thanked the king for his gracious intentions, and for his generous endowment of the new chair 'with an appointment so ample as well nigh to equal the stipends of all our other professors put together'. It thanked him still more warmly for supplementing the educational system of the university where it was weakest.

Your Majestie, like a common father that is watchfull for the welfare of his children, has wisely observ'd where our greatest defect lay, and where your relief could be most seasonably apply'd. We have for many years, with grief observ'd, and may now with assurance venture to speak out our grievance, since your Majesty has been pleased to enter so far into our cause, as to join in the same complaint, that foreign tutors have had so large a share in the education of our youth of quality both at home and in their travels, and we are thoroughly sensible that the reason, why they have been so employed, in preference to men of far superiour learning of our own country, has been the want of proper helps towards the attaining those accomplishments in our Universities, for which your Majestie is now making so honourable provisions, but we are now firmly perswaded that when your Majesties noble design shall have taken effect, when there shall be a sufficient number of academical persons well vers'd in the knowledge of foreign courts, and well instructed in their respective languages, when a familiarity with the living tongues shall be super-added to that of the dead ones, when the solid learning of antiquity shall be adorned and set off with a skillful habit of conversing in the languages that now flourish, and both be accompanied with English probity, our nobility and gentry will be under no temptation for sending for persons from foreign countries, to be entrusted with the education of their children: <sup>12</sup> that the appearance of an English gentleman in the courts of Europe with a governour of his own nation, will not be so rare and uncommon as it has hitherto been, and that your two Universitys thus refin'd and made more compleatly serviceable to the education of

<sup>11</sup> Clark, *Endowments of the University of Cambridge*, p. 186; *Reliquiae Hearnianae*, ii. 200.

<sup>12</sup> On these grounds, too, Dr. Rawlinson, in a letter to Hearne, welcomed the new foundation (*Reliquiae Hearnianae*, ii. 311).

youth by your Majesties most judicious and well directed as well as liberal benefaction, will be able to furnish you with a constant supply of persons every way qualified for the management of such weighty affairs and negotiations as your Majesties occasions may require.<sup>13</sup>

Cambridge was strictly practical. It said nothing about the advantage of knowing modern history, and dwelt entirely on the advantages of knowing modern languages. It was jealous of the foreign tutors who had infringed its monopoly, and hoped to exclude them altogether by means of the new endowment. The professor might teach modern history if he liked; they had no objection to that, but in their eyes, as Professor Maitland has said, his real function was to be 'the trainer of bearleaders, English leaders of English bears'.<sup>14</sup>

Oxford was less enthusiastic. While Cambridge had presented a formal address to the king by the hands of the vice-chancellor, the proctors, and a deputation of members of the university, Oxford merely sent a letter to his majesty, which it forwarded to the secretary of state by the hands of the bedel.<sup>15</sup> The letter was very cold and formal. It said that the university was deeply affected by this instance of his princely favour, but plainly hinted that the educational system pursued at Oxford was perfect already, and needed no further additions. 'We must most gratefully acknowledge your Majesty's gracious tenderness towards our ancient constitution, in directing that the hours for teaching your Majesty's scholars be so ordered as not to interfere with those already appointed for their academical studies.'

The letter, as might have been anticipated, did not give much satisfaction to the government. The letter itself was 'thought too jejune, and the manner of sending it up by one of the bedels, disrespectful'. Accordingly, the heads of houses took counsel together, and after some intriguing it was decided to send a deputation to the king with a formal address, as Cambridge had done. On 8 November Dr. Mather, president of Corpus and vice-chancellor, presented the address to the king. It thanked the king not only for his 'princely benefaction', but for 'the real improvement we are now enabled to make in such parts of useful learning as were not before provided for among us'. It predicted that the king's happy reign would 'stand distinguished in the records of modern history'. Finally, it hailed the occasion to renew the university's vows of fidelity and obedience, and to promise with the 'utmost care and

<sup>13</sup> Clark, *Endowments of the University of Cambridge*, p. 187; Boyer, *Political State of Great Britain*, vol. xxvii (1724), p. 509. The address was presented 23 May.

<sup>14</sup> *Essays on the Teaching of History*, Cambridge (1901), p. xiii.

<sup>15</sup> On 29 May 1724: Boyer, *Political State of Great Britain*, xxvii. 513.

diligence to instruct our youth in the same principles of duty'.<sup>16</sup> In short, the new address was brimful of loyalty. The king gave a most gracious reply: Lord Townshend gave a splendid entertainment to the deputation, and the reconciliation of the university and the house of Hanover seemed to be at last effected.

In the meantime the professors had been appointed both at Oxford and Cambridge—David Gregory of Christ Church and Samuel Harris of Peterhouse. On 22 August they were presented to the king.

This day (says the *London Gazette*) the Right Honourable the Lord Viscount Townshend, one of his Majesty's Principal Secretaries of State, introduced to his Majesty Mr Samuel Harris, and Mr. David Gregory, Masters of Arts, who had the honour to kiss his Majesty's hand, being nominated by his Majesty to be his Professors of Modern History, the first in the University of Cambridge, the other in that of Oxford.<sup>17</sup>

By the king's letters patent, dated 28 September 1724, the duties of the professor and the regulations under which he was to act were set forth rather more in detail than they had been in the letter announcing the intended foundation.<sup>18</sup> The professor was appointed for one year only, and he was to take an oath to observe the regulations set forth in the letters patent. 'They have made it a very precarious tenure to the professor himself,' commented one of the canons of Christ Church. 'He is to take out a new patent every year under the sign manual. They are resolved to keep him to his good behaviour.'<sup>19</sup> Out of his salary of £400 a year he was to pay £25 apiece to the teachers of modern languages employed as his assistants. On the other hand, the duties of the professor were not heavy. He was to give one lecture at least in each of the four university terms. It was specially provided that he should begin his lectures by giving an historical account of the best writers on modern history, and advising his scholars what authors they should read and what method they should adopt in reading them in order to make most progress in their studies.

The twenty scholars were to be nominated by the king. Each must have passed two years in the university from the time of his matriculation before he could become a king's scholar, and must go through a three years' course of these new studies after becoming one. The twenty scholars must attend all the lectures of the professor, and according to the old custom embodied in the Laudian statutes they must escort the professor to and from the schools on those occasions. The scholars obtained

<sup>16</sup> Boyer, *Political State of Great Britain*, xxviii. 479-82; *Portland MSS.*, vii. 387-9.

<sup>17</sup> *London Gazette*, no. 6296, 18-22 August 1724.

<sup>18</sup> Printed by Clark, p. 188.

<sup>19</sup> Dr. Stratford, *Portland MSS.*, vii. 387.

their tuition gratis: other members of the university were allowed to attend the lectures if they liked, but presumably had to pay for the privilege. But the chief reward of the scholars was the prospect of employment in the public service, and therefore the annual reports on the progress of the scholars, which the professor was required to send to the secretary of state, were documents of some moment to them.<sup>20</sup>

David Gregory, the Oxford professor, was the son of a famous mathematician of that name who had been Savilian professor in the university from 1691 to 1708. Though he never published any historical work, it is evident that he was a careful and industrious teacher. His reports for 1725 and 1726 are full and interesting. Whilst his colleague at Cambridge simply says as briefly as possible what progress his scholars have made in French and Italian, describing each in one word as 'perfect', 'imperfect', or 'beginner', Gregory tries to give some idea of their character.

'West, of Christ Church', says his first report, 'has with incredible pains endeavoured to make himself master of the history of the last century both of France and England; he employed himself particularly in the study of the Law of Nations; and writes in the epistolary way very well.' Bland, of Corpus, writes French with great correctness, while Tottie, of Worcester, 'seems to have a great genius for learning of modern languages, for he understands French and Italian perfectly well, and is able to read both with a great deal of ease'. Next year the report on Bland and Tottie was still more favourable. Bland 'has a fine talent of making himself master of everything he undertakes, especially languages'. Tottie could now write both French and Italian very well himself, as well as being a good critic of what others had written in those tongues. Three scholars are described as studying German, one of whom both wrote and spoke it very well, while another had 'made no inconsiderable progress in High Dutch'.

On the other hand, some of the scholars were not serious students. 'Douglas of Balliol and Holland of Trinity, having taken orders, have more particularly applied themselves to their own profession, making use of History and languages only as the ornamental part of their studies.' Some had entirely abandoned the new subjects, either from idleness or because they preferred the old.

<sup>20</sup> See two papers in the *Cambridge Review* for 25 November and 9 December 1897, by Mr. Oscar Browning, who discovered these reports in the Record Office. The list of Oxford scholars appointed in 1725 is printed in Mr. Christopher Wordsworth's *Scholae Academicæ* (1877), p. 148, where it is followed by a short account of the holders of the Cambridge chair.

Reynell of New College, being sensible that the study of Modern Languages requires a particular genius, seems to have quitted all thoughts of any further improvement in them, in order to have more time to pursue his other university studies.

Whistler of Magdalen Hall, fearful perhaps of venturing out of the common road, seems inclined rather to follow the ordinary method of education used in our colleges.

Yet in spite of the difficulty of establishing new studies in the universities, it is evident that the experiment met with considerable success. The scholars showed plenty of zeal in learning languages, though it is not so clear that they were attracted by the study of modern history.<sup>21</sup> The government was evidently satisfied. On 18 November 1725 Gregory was reappointed for another year, and at Cambridge Harris was similarly rewarded.

Out of the first twenty scholars appointed at Oxford, three were given posts in the public service. Chetwynd, of Christ Church, became secretary to Robert Sutton, envoy at Berlin. Gilbert West obtained a place in the secretary of state's office, gained some reputation as a poet by his translation of Pindar, and had his biography included in Johnson's *Lives of the Poets*.<sup>22</sup> A third, John Burnaby of Oriel, was minister to Sweden from 1739 to 1741 and to Switzerland from 1743 to 1749. Of the Cambridge scholars, Walter Titley, of Trinity, was minister in Denmark for over thirty years. Another, Snow, was employed in Sweden.<sup>23</sup>

It seemed likely that Townshend's hopes would be realized, and that the new foundations in the two universities would

<sup>21</sup> There are two literary references to the new foundation. One is contained in Edward Young's 'Epistles to Mr. Pope concerning the Authors of the Age', published 1730. In the second epistle, which is dated from Oxford, Young says:

All write at London; shall the rage abate  
Here, where it most should shine, the muses' seat?  
Where, mortal or immortal as they please,  
The learn'd may choose eternity or ease.  
Has not a royal patron wisely strove  
To woo the muse in her Athenian grove?  
Added new strings to her harmonious shell,  
And given new tongues to those who spoke so well?

(*Poetical Works*, Aldine edition, ii. 317.)

Young, it is evident, was mainly interested in the teaching of languages. Warburton, in his *Critical Enquiry into the Causes of Miracles*, published in 1727, declared that 'the late Royal Institution for the Study of History had given a new aera to the reign of the Muses', and that it 'must produce the master builders to give us that finished body of English History so long wanted, and till now despaired of' (Nichols, *Literary Anecdotes*, v. 538).

<sup>22</sup> See *Dict. of Nat. Biogr.*, ix. 330, and Johnson's *Lives of the Poets*, ed. Scott, iii. 328.

<sup>23</sup> See *Dict. of Nat. Biogr.*, lvi. 419, and Chance, *List of English Diplomatic Representatives in Denmark, Sweden, &c.* (1913), pp. 12, 26, 27.

regularly supply a certain number of men trained for the public service, and particularly for the diplomatic service. But the government, when it had secured the political object of its benefactions, and put the universities in a better temper, forgot all about the educational objects it had professed to seek. After the death of George I the scheme of training men for the public service dropped. Though George II issued letters patent, dated 11 April 1728, confirming his father's foundations, and ordering that professors, teachers of languages, and scholars should be appointed as heretofore, the appointment of scholars seems to have ceased in 1727.<sup>24</sup> No reports, after the first two years, seem to have been forwarded to the secretary of state. Finally, the office of professor of modern history in each of the universities became a sinecure. He was appointed for life instead of being reappointed annually, and though he continued to draw his salary from the treasury, he ceased to lecture or to teach.

At Cambridge it is said that from Harris's inaugural lecture in 1725 to the death of Gray, the fourth professor, in 1771, no lectures were delivered. John Symonds, who held the professorship from 1771 to 1806, was the first to deliver regular courses of lectures.<sup>25</sup> At Oxford the state of things was much the same. David Gregory may have continued lecturing for a time, but he resigned the professorship in 1736 on becoming a canon of Christ Church, of which society he was appointed dean twenty years later.<sup>26</sup> His successor as professor was William Holmes, who since 1728 had been president of St. John's, was vice-chancellor from 1732 to 1735, and is described as the first president of that college who was loyal to the house of Hanover.<sup>27</sup> Holmes had a taste for music, and when vice-chancellor disgusted Hearne by allowing 'one Handel a foreigner' to give a couple of concerts in the Sheldonian, and to charge 5s. a ticket for admission. 'This is an innovation,' wrote Hearne. 'The players might be as well permitted to come and act. The vice-chancellor is much blamed for it.'<sup>28</sup> Holmes is credited with being well affected to sound learning, and was civil to Hearne. Hearne endeavoured to convince him that it would be 'for the honour of our university and the advancement of learning to have a number of our learned men in the university set about publishing our MSS.' Holmes agreed. 'He approved of what I said, and said that he would do what he could that it should be executed.'<sup>29</sup> What he could did not mean much. The only work Holmes appears to have published was a sermon, entitled *The Country Parson's Advice*

<sup>24</sup> See Clark, p. 191.

<sup>26</sup> *Dict. of Nat. Biogr.*, xxiii. 95.

<sup>28</sup> *Reliquiae Hearnianae*, iii. 98.

<sup>25</sup> C. Wordsworth, pp. 149-51.

<sup>27</sup> *Ibid.*, xxvii. 199.

<sup>29</sup> *Ibid.*, iii. 165-6.

to his Parishioners of the Younger Sort, and he is not known to have done anything towards the printing of the manuscripts in the Bodleian.<sup>30</sup> In 1742 he became dean of Exeter, and resigned the professorship.

Holmes's successor was Joseph Spence, fellow of New College. He had been professor of poetry from 1728 to 1738, and was an elegant scholar and a critic. He was also a model bear-leader. 'Amiable and high principled,' says his biographer, 'Spence was in request as a companion for young men of rank in continental tours.' One of these pupils was Lord Lincoln, son of that duke of Newcastle who was so prominent a figure in the politics of George II's reign, and one is justified in believing that this connexion accounts for Spence's appointment. As professor of poetry he had never given any but an inaugural lecture,<sup>31</sup> but took a small college living in Essex, where he indulged his natural inclination for gardening. As professor of modern history he worked on similar lines. 'In this year', says his biographer, speaking of 1742, 'he was presented by his college to the rectory of Great Horwood, Buckinghamshire, and succeeded Dr. Holmes as regius professor of modern history. From this time he resided . . . chiefly in London for some few years', and after that at Byfleet in Surrey. In 1754 he became a prebendary of Durham, and after that divided his time chiefly between Durham and Byfleet, 'contenting himself', says his biographer, 'with very moderate enjoyments and gratifications, and seems to have used his fortune (i. e. three sinecures), which was now ample compared with his desires, as if he stood possessed of it as a steward only for the service of mankind, and constantly applied a considerable portion of it to purposes of charity'.<sup>32</sup> As he never resided in his Buckinghamshire living, Spence felt it his duty to pay an annual visit to his parishioners, and to give away 'considerable sums of money to the distressed poor'. What he did for his Oxford flock is uncertain, but he is said to have been a munificent patron of indigent minor poets such as Blacklock, Stephen Duck, and Dodsley.

The only purely historical work Spence wrote during his professorship was a pamphlet entitled 'Plain Matter of Fact, or a Short Review of the Reigns of our Popish Princes since the Reformation; in order to show what we are to expect if another should reign over us'. This was written in 1745, and

<sup>30</sup> His 'Directions for Study' are printed by V. Knox, *Liberal Education*, ed. 1789, ii. 225. They contain much advice about the reading of ancient history, nothing about modern.

<sup>31</sup> 'Your friend Spence has read his first Lecture, which was universally admired for its learning and elegance. Even Hutchinson of Hart Hall said it was well enough': *Anecdotes, &c.*, by Joseph Spence, edited by S. W. Singer, 1820, p. 388.

<sup>32</sup> *Anecdotes*, ed. Singer, pp. xxx, xxxii.

shows very sound whig principles. His chief work was *Polymetis or an Enquiry concerning the Agreement between the Works of Roman Poets and the Remains of the Ancient Artists*, published in 1747. These dialogues on art and literature had a great vogue in their day, though they are now chiefly remembered by reason of the references to them in Lessing's *Laokoon*.

Yet English history would be poor without Spence. He is something more than an historian, he is an historical authority. To him we are indebted for much of our knowledge of the men of letters of the early part of the eighteenth century and the society they moved in. In Spence's *Anecdotes* we have not only reminiscences and traditions of the writers of the later seventeenth century, but records of the conversations of those of the next generation. There are reminiscences of Wycherley and Dryden and others. We know why Dryden wrote the *Medal*, and how annoyed he was at the parody on the *Hind and Panther*. No one tells us so much of Pope—we know from Spence his opinions on all manner of subjects and all kinds of people, and passages of Pope's own life told by himself. We are told how Swift used to scold Pope for not appreciating Rabelais, and that Swift's face had 'a look of dulness in it' except for his eyes, which were blue as the heavens, and had 'a very uncommon archness in them'. We hear of Addison's 'stiff sort of silence', his incapacity to write a common business letter, and his unhappy propensity for liquor, and how Jacob Tonson, who disliked him, prophesied, 'you will see that man a bishop yet'. Spence had a natural gift for reporting conversations, and for presenting character without any apparent striving to depict it.

Spence died in 1768, and Thomas Warton, of Trinity, author of many poems, and since 1757 professor of poetry, applied for the vacant post. He had many qualifications, for he possessed great antiquarian knowledge, had published in 1761 a life of Ralph Bathurst, president of Trinity, and was preparing his life of Sir Thomas Pope, which appeared in 1770.<sup>33</sup> He had also in hand his learned and valuable *History of English Poetry*, of which the first volume appeared in 1774. Warton's reputation for knowledge of English history was already considerable, and his candidature had the powerful support of the famous William Warburton, bishop of Gloucester. But when Warton applied to the prime minister he found that he was too late. The duke of Grafton replied with a civil word about Warton's 'just pretensions', but said, 'I should with great pleasure have laid before the King your request to succeed to the Professorship of Modern History, if I had not known that it was his Majesty's

<sup>33</sup> In the latter it has been shown that he used forged documents. See Dr. H. E. D. Blakiston, *Thomas Warton and Machyn's Diary*, ante, xi, 282.

intention to confer it on another gentleman'. To the bishop of Gloucester, Grafton explained who the other gentleman was. He was John Vivian, a fellow of Balliol.

Many of his Majesty's servants (wrote Grafton) who had supported with their votes Mr. Vivian on a former occasion for a professorship at Oxford, joined early in their solicitations for the vacant one of Modern History. This gentleman has undertaken to hold it on terms stipulated by the Vice-Chancellor, as the King had signified his intention that this office shall never any more be held as a sinecure.

Vivian's literary claims were dubious: he appears to have written nothing, and his name does not appear in the *Dictionary of National Biography*. Whatever the king might wish, Vivian meant to make the office a sinecure, and boggled about accepting it on the terms offered. He finally took it, but held it only for a few months, and it is uncertain whether he ever lectured. In January 1770 the bishop of Gloucester was urging Warton's claims to succeed Vivian. The king, he told Warton, 'is much set upon abolishing the scandal of the sinecure. I have assured the Ministry that I know of none so capable nor none so willing as yourself to comply with his Majesty's purpose in this matter.' Perhaps the bishop rather over-estimated Warton's eagerness to teach. Lord Eldon, in his reminiscences of the university, conveys a different impression. 'Poor Tom Warton,' said Eldon, 'he was a tutor at Trinity; at the beginning of every term he used to send to his pupils to know whether they would wish to attend lecture that term.'<sup>34</sup> In any case, the bishop's application on Warton's behalf was premature. Vivian, in spite of reports, was not dead. The bishop congratulated Warton on the philosophy with which he bore his disappointment, adding that he was 'told from good hands' that Vivian had a complaint 'which is likely to prove fatal to him in a short time'. A year later Vivian really did die. Warton again applied, but was not appointed, and the bishop told him it was his own fault for not being quick enough. 'As I now understand Vivian lay a-dying some time, that was the time when you should have begun your new application. You set out in every sense too late.'<sup>35</sup>

Warton became Camden professor of history in 1785. Vivian's successor as professor of modern history was Thomas Nowell, principal of St. Mary's Hall, and public orator. George III was responsible for the choice. Directly the king heard that the post was vacant, he wrote to Lord North, the prime minister, saying, 'You ought to apply to the Chancellor of the University that a man of sufficient abilities may be proposed for my approba-

<sup>34</sup> Twiss, *Life of Eldon*, iii. 302

<sup>35</sup> This correspondence is printed in Nichols's *Literary Anecdotes*, v. 655-8.

tion for filling that office'. In a second letter he added that professorships, 'having been instituted for promoting learning in the universities, ought not to be given by favour, but according to merit'.<sup>36</sup> It is noticeable that the king called the post 'professor of Modern Languages', sinking history altogether. Nowell's qualifications seem to have been political soundness rather than historical learning, and that is perhaps the reason why the earl of Lichfield, then chancellor, recommended him to the king and to Lord North. His principles were of a kind to suit them both. On 30 January 1772 Nowell preached before the house of commons the customary annual sermon on the execution of Charles I. His audience consisted of the Speaker and four members (which must have made him feel as if he were lecturing at Oxford). When his discourse was published, as such discourses always were, it became clear that the attention of the audience had slumbered. It was full of the highest toryism. It preached non-resistance in the extremest form, and condemned the glorious revolution; it compared the present king to Charles I and the present parliamentary opposition to the fanatics who cut off the royal martyr's head. Naturally there was trouble in the house of commons. Mr. Townshend moved that the sermon should be burnt by the common hangman 'as containing arbitrary Tory high-flown doctrines'. The house was on the point of passing the motion when some one remembered that the preacher had been formally thanked for his excellent sermon, and that it had been printed by their own order. Nothing could be done therefore except to expunge the vote of thanks from the journals.<sup>37</sup> Nowell gained a great reputation amongst high tories by this exploit. In 1785, when Dr. Johnson and Boswell dined with Nowell 'at his beautiful villa at Iffley', they discussed their host's famous sermon on the way. 'Dr. Nowell', said Boswell, 'will ever have the honour due to a lofty friend of our monarchical constitution.' 'Sir,' answered Johnson, 'the Court will be very much to blame if he is not promoted.'<sup>38</sup> But the court never remembered his deserts, and he died in 1801, still principal of St. Mary's Hall.

Dr. Nowell had another merit. He appears to have kept his pledge to George III that his office should no longer be a sinecure. Hurdis, writing about the end of the eighteenth century, and describing the teaching given by the various university professors, says that he taught 'on certain days in every week during term, giving without interruption both public and private

<sup>36</sup> Donne, *Letters of George III to Lord North*, i. 92

<sup>37</sup> *Parliamentary History* xvii. 312; Massey, *History of England*, ii. 117; *Letters of the first Earl of Malmesbury to his Family*, 1870, i. 252-4; Gibbon, *Miscellaneous Works*, ii. 78.

<sup>38</sup> Boswell, *Life of Johnson*, ed. Hill, iv. 296.

lectures, and by substitute when his impaired health confines him at home'.<sup>39</sup>

Nowell was succeeded as professor by Henry Beeke, fellow of Oriel, who held the post from 1801 to 1813. Beeke was an economist rather than historian. His most important work was a pamphlet or small book entitled *Observations on the Produce of the Income Tax and on its proportion to the whole income of Great Britain*, which was published in 1799. J. R. Macculloch, in his *Literature of Political Economy*, 1845, describes it as affording 'the best example of the successful application of statistical reasoning to finance that had then appeared'. The *Dictionary of National Biography* adds that it gives 'an interesting and valuable account of the economic condition of Great Britain at the beginning of the century'.<sup>40</sup> Very little is recorded as to the nature of Beeke's teaching. He appears to have confined himself to occasional lectures. Dr. Beeke, says G. V. Cox, 'had the reputation of being an elegant scholar', and 'generally commanded a respectable attendance at his terminal lecture given in Oriel College Hall'.<sup>41</sup> In 1814 he became dean of Bristol, and died in 1837, at the age of eighty-six.

Beeke was succeeded by Edward Nares, D.D., of Merton. Dr. Nares was a well-known writer and a successful preacher. He had contributed many articles to a learned periodical called the *British Critic*, had delivered in 1804 a very successful series of Bampton lectures, and had written in 1811 a popular novel, described as 'a simple story told in a vein of humorous sarcasm', entitled *Thinks I to myself*.<sup>42</sup> As early as 1795, when Dr. Nowell was seriously ill, the then vice-chancellor and others had recommended Nares for the post in case of a vacancy, and Mr. Pitt's reply was considered favourable. But Nowell, who unexpectedly recovered, lived six years longer, and when he died Beeke was appointed.<sup>43</sup> The friends of Nares now pressed his claims again, and, though there were many British historians alive who were better qualified for the post,<sup>44</sup> Lord Liverpool at once offered it to Nares.

I have no difficulty in offering you the Professorship of Modern History, upon the understanding that you will read a course of lectures

<sup>39</sup> *Dict. of Nat. Biogr.*, xii. 252, quoting Hurdis's *Vindication of Magdalen College*.

<sup>40</sup> *Ibid.*, iv. 124.

<sup>41</sup> *Recollections of Oxford*, p. 152.

<sup>42</sup> A life of Nares by G. C. White, entitled *A Versatile Professor*, was published in 1903. Nares married in 1797 Lady Charlotte Spencer, third daughter of the Duke of Marlborough. The duke disapproved of the match, but the story of the elopement told in Cox's *Recollections of Oxford*, ed. 1870, p. 9, is untrue.

<sup>43</sup> White, p. 207. This is more likely to have happened in 1796, when Scrope Berdmore, warden of Merton, was vice-chancellor, than in 1795.

<sup>44</sup> Sharon Turner, Southey, Scott

annually, or every alternate year, as the leading members of the University may think most advisable.

I feel it of some importance at the present moment that this lecture should be revived, and I am confident that, with your habit of study and of writing, you can have no difficulty in accomplishing this purpose, particularly when it is considered how many excellent works have been published on the Continent in the course of the last few years, which serve as books of reference for any information which may be desired on this subject.<sup>65</sup>

From Lord Liverpool's letter it is evident that industry and some experience in writing were regarded as a sufficient equipment for a professor of history, and he clearly knew that Nares possessed no special knowledge of the subject.

The formal appointment of Nares was delayed till November 1814 in order to draw up a new set of regulations determining the duties of the chair. These regulations, which were signed by Lord Sidmouth as home secretary, are so rigid and detailed that it is desirable to give them in *extenso*, especially as both their expediency and their validity gave rise to much subsequent discussion.

*Rules and Regulations respecting the Professor of modern History and  
Lampugnaz.*

The Professor of modern History to reside three months within every year in the University on pain of forfeiting one pound per Diem for every day short of ninety days actual residence within the year.

The Professor to read a solemn Lecture in every Term, in the natural Philosophy school at twelve o'clock on Thursday in the second week of full Term, or on the next day if Thursday be a Holiday—Notice to be given of the Day and Hour when the Lecture is to be read, at least three days before, by a printed paper to be sent by the Professor to every Head of a House and to the dining halls and common rooms of every College and Hall in the University and by notice affixed to the usual places.

If the Professor omits reading any one of these solemn Lectures or to give such notice as aforesaid of the day of reading to forfeit ten pounds—but nevertheless the Vice-Chancellor to permit the Professor (on particular emergencies) to alter the day or hour, so that the abovementioned notice be always publicly given.

The solemn Lectures to treat of some subject comprised under the following heads viz. :

- 1<sup>st</sup>. Method of reading modern history.
- 2<sup>nd</sup>. Political biography.
- 3<sup>rd</sup>. Political Economy.
- 4<sup>th</sup>. Diplomacy or International Law &c. &c. &c. :

<sup>65</sup> Lord Liverpool to Nares, 14 December 1813 (White, p. 286).

The Professor to read a course of Lectures once at least in every year, either in Michaelmas or Lent Term—the course to consist of not fewer than Twenty Lectures, and to be read either in some public room belonging to the University, or within some College or Hall, but on no account in any private house in the Town, and that not more than three Lectures to be read in any one week.

No greater sum than one guinea for each course to be taken from each person that shall attend—public notice of the commencement of each course of Lectures to be given at least Ten days before, both in the Oxford newspapers, (If two shall continue to be published) and by printed papers sent to every head of a house, and the dining halls and common rooms of every College and Hall, as in the case of solemn Lectures.

The Penalty for omitting to read a course of Lectures within the year in the manner and with the notice abovementioned to be one hundred pounds. If such omission be repeated in the following year, the whole Stipend to be then forfeited for that year, and in this case, no part of the Stipend to be again received by the Professor 'till the Duty shall have been actually performed.

The onus probandi in all cases to rest on the Professor, and his stipend not to be paid without a certificate from the Vice Chancellor that he has discharged his several duties, according to the established regulations, and incurred no forfeiture within the year, or if any forfeitures have been incurred, that the reasons of them and the precise amount be distinctly stated in the Certificate.

No penalty to be remitted in any case unless clear proof in writing be given to the Vice Chancellor that the omission was occasioned by inevitable accident, and not by any neglect on the part of the Professor, in which case such omission and the cause of it to be distinctly stated in the Certificate.

The amount of all penalties incurred and not remitted as abovementioned to be received by the Vice Chancellor; and a separate and particular account of the same to be always stated by him to the Delegates of accounts at their annual audits. The monies to accumulate only 'till they are sufficient to purchase one hundred pounds stock in the three per Cent Consols, the same to be by them funded from time to time, and the dividends thereof to be applied solely to the augmentation of the Professor's Stipend, in order to counteract the deductions therefrom on account of Taxes &c. and the depreciation of the value of money.

Teachers of Languages to be in number Two, appointed by the Professor and removable by him, to receive Twenty five pounds per annum each from him as at present, merely by way of honorary retainer.

[signed]

SIDMOUTH.<sup>46</sup>

Nares grumbled at the new regulations, but set to work manfully to fulfil the duties imposed upon him.<sup>47</sup>

<sup>46</sup> From a copy made by Dr. Nares, now in the University Archives. It is endorsed 'Rules and Regulations to be observed by the King's Professor of Modern History'.

<sup>47</sup> He particularly objected to the four terminal lectures 'I am persuaded nothing could be devis'd more irksome and degrading to a Professor zealous to discharge his

On the 8th of February, 1816, I read my inaugural lecture in the public schools before a crowded audience, many of whom were among the most literary members of the University. I began my first course on the 12th, in the hall of Merton College. The attendance was large. One hundred and twenty-four persons had entered their names for the course. Among these were not only noblemen and Commoners, but also many tutors and graduates, some heads of colleges, and brother professors. For seven weeks I lectured every other day, and had every reason to be gratified. Nothing could have been more satisfactory than the reception I met with. My lectures from first to last, imperfect as I knew them to be, were received with the most marked attention, and appeared to give general satisfaction.

It seemed to be generally acknowledged that no former professor had had such success, and that it was in some degree the commencement of a new era.<sup>48</sup>

Next year, in 1817, he tackled political economy, 'a study', he says, which the university 'had been censured for neglecting, and which was particularly mentioned in the warrant for my appointment. . . . When I first read my warrant, I well remember feeling ashamed of my ignorance of this curious science. I conceived that it would be impossible for me to acquire in due time such a knowledge of its elements as to venture to lecture upon it. But I was determined to conquer the difficulty, if it could be done by mere reading.'<sup>49</sup> Political economy was a novelty in Oxford.

I found that, like myself, almost every member of the University actually needed instruction. I found political economy had hitherto engaged none of their attention. I enquired at the shops for books which had excited the greatest interest in the political world, which were totally unknown at Oxford.

I became exceedingly interested in this part of my undertaking. I was quite sensible that in a place where so many young men were receiving their education who were likely to become members of the Legislature, the study of political economy ought to receive the utmost encouragement.<sup>50</sup>

The course began badly. Only eight or nine persons attended the introductory lecture, and there was great difficulty in finding a suitable hour for the course which followed. At last a convenient time was fixed, and he finally procured a class of thirty-seven, consisting of a few noblemen and some of the most eminent tutors. The junior members of the university were conspicuous by their absence. 'The undergraduates', complains Nares, 'were too much occupied in preparing for their public examinations to attend any of their professors. This is certainly carried

duties, than these short single lectures. I have always thought so, but my own experience convinces me more than ever of their absurdity as a matter of compulsion, provided the Professor has opportunities of doing his duty otherwise. He must naturally wish to reserve everything of importance for his regular class, nor is it easy to select a subject which may suit a casual audience': White, p. 236.

<sup>48</sup> White, p. 229.

<sup>49</sup> *Ibid.*, p. 239.

<sup>50</sup> *Ibid.*, p. 240.

too far. Heads of colleges have acknowledged it to be so, and undergraduates have told me that it is too much like school, to the exclusion of all general knowledge.' <sup>51</sup> This fair beginning was soon followed by disappointment. The difficulties about rooms and hours continually recurred. The professor's audience for his course of historical lectures, which had been 120 in 1816, sank to seven in 1817, and seems to have remained about that figure in subsequent years.

After a time Nares ceased to give the required number of lectures, and apparently ceased to reside. In 1832 he was called to account by the vice-chancellor, and in reply enclosed a copy of the regulations, with the following commentary :

It must read, at first sight, as a heavy charge against, not myself only, but against those also on whom the responsibility was thrown of enforcing compliance, and levying penalties incurred ; on the Treasury itself indeed for paying the stipend, without the sanctions required ; but I can assure you no impediment of that nature has ever been thrown in my way or even hinted at, tho' I made no secret of the regulations ; nor have I ever found that the Professor's stipend has ever been in the smallest degree augmented by fines formerly exacted, though I am certain I could name a time (long past) when the professorship was as nearly as possible a sinecure. If it is rendered so at present, it is under circumstances much more creditable to the University (at least), for I may venture to assert, that the young men are too constantly engaged upon higher pursuits, to be able to afford time, either in the Michaelmas or Lent Term, for attendance on 20 lectures, on a subject comparatively +so light and unacademical as Modern History,—especially in the present condition of things, when books applicable to such studies are so plentiful,—and libraries of all descriptions so accessible. For some time I complied with all the rules and at so great expense by the removal of my family, hire of extensive lodgings, and payment of a curate at home, as to exceed the income, and certainly without material benefit to any member of the University, being sometimes unable to procure any class, and at the best so uncertain a one, that long before I could get through 20 lectures many were called away to College Collections, public Examinations, or to attend upon private Tutors.

Nares went on to say that he was prepared to resign if he could obtain suitable preferment in the church, but had not succeeded in getting it, and that he was ready to acknowledge ' that things might be better if the office were bestowed on some resident member of the university '. He concluded :

If my health were as good in winter as it commonly is in the summer, I could still go through a course in Michaelmas or Lent Term, if a steady class could be obtained, but experience has proved to me, that in the present state of the University it is not at all to be expected ; the original

<sup>51</sup> White, p. 241.

purpose of the professorship having been long abandoned by the Government itself, as may be seen by reference to the charter of the institution in the University archives.<sup>52</sup>

This explanation appears to have been regarded as sufficient. The regulations were tacitly allowed to lapse, and no penalties for their non-observance were exacted. Nares began to deliver courses of lectures again, and in 1835 he had an audience which ranged from two to six.<sup>53</sup> After that he ceased to lecture altogether, and he died on 23 July 1841.

Nares deserves credit for his attempt to revive the teaching of his subject in Oxford, and also for attempting to increase the knowledge of it by his writings, both of which duties his predecessors had neglected. He published during his professorship two historical works. One was an edition of Tytler's *Elements of General History*, to which he added a third volume carrying the work from 1715 to 1820.<sup>54</sup> The other was the *Life of Lord Burleigh*, which Macaulay's review in the *Edinburgh* made famous at the expense of the biographer.<sup>55</sup>

The causes which led to the failure of Bishop Gibson's well-intended scheme to establish a new study in the universities are evident. The government, having no interest in the improvement of education, was satisfied with the achievement of its political object, and ceased to appoint the king's scholars. Young men, when the prospect of employment in the civil service ceased, had no inducement to desert more profitable studies. Professors, when all pressure to carry out the duties of their office was relaxed, imitated their brethren, and turned their chairs into sinecures. At the same time, as the chair was better endowed than most, it became a valuable piece of patronage, and a minister's choice was usually dictated by political considerations. The fate of the Cambridge chair was similar to that of the Oxford, excepting that the revival of lecturing began at Cambridge about forty years earlier than at Oxford. With Nares, though he did not lecture regularly, the chair ceased to be a sinecure. His successors, Thomas Arnold (1841-2), John Antony Cramer (1842-8), and Henry Halford Vaughan (1848-58), gave regular courses of lectures, and the foundation of the School of Law and Modern History in 1850 gave English and European history at last a place amongst university studies. C. H. FIRTH.

<sup>52</sup> Letter dated 26 March 1832, in the University Archives.

<sup>53</sup> White, p. 242. The statement made in Stanley's *Life of Arnold* (ii. 292) that owing to the infirmities of the last professor the chair had, in 1841, been practically vacant for nearly twenty years', is a great exaggeration.

<sup>54</sup> Tytler's work was published in 1801. The continuation was published in 1822, and went through several editions.

<sup>55</sup> The *Life* was published in three volumes quarto, 1828-31. The review appeared in April 1832.

## *Johannes Butzbach, a Wandering Scholar of the Fifteenth Century*

### I

THE 'Hodoporicon' or 'Wanderbuch' of Johannes Butzbach has not received the attention it deserves. The author is known, if not well known, as a learned and pious humanist. A number of manuscripts preserved in the University Library at Bonn bear witness to his literary activity, and his 'Auctarium de Scriptoribus Ecclesiasticis', a kind of theological 'Who's Who',<sup>1</sup> has long been known to students on account of the valuable if rather uncritical information it contains concerning the lesser ecclesiastical and other writers of his age. But the 'Wanderbuch' in which Butzbach relates the story of his life from his earliest days to his twenty-third year does not seem to have been widely read. This is due no doubt to the fact that the original text has never been printed. The manuscript is likewise at Bonn. It is written in Latin, because, as the author tells us, he was no longer sure of his native tongue; but a German translation was issued as far back as 1869, so that it is not altogether inaccessible.<sup>2</sup> Butzbach's wanderings were not extensive; they were confined mainly to Germany and Bohemia, but he spent some time at Deventer, and has given us an interesting account of the school where Erasmus had studied thirty years before him. He was an ardent lover of the country-side, a friend of great cities, and, considering his youth, an amazingly shrewd observer of the people, and the record of his wanderings in pursuit of knowledge may well detain us for a short space.

<sup>1</sup> P. S. Allen, *The Age of Erasmus*, Oxford, 1914, p. 77.

<sup>2</sup> *Chronica eines fahrenden Schülers, oder Wanderbüchlein des Johannes Butzbach aus der lateinischen Handschrift übersetzt von D. J. Becker*, Regensburg, 1869. I have also used *Neues aus dem literarischen Nachlasse des Humanisten Johannes Butzbach (Piemontanus), Programm des K. neuen Gymnasiums zu Würzburg für das Studienjahr 1906-1907, von Dr. Hans Fertig*, Würzburg, 1907, which gives brief citations from the original text. Butzbach is quoted several times by Mrs. Cust in her *Gentlemen Errant*, 1909, and Mr. Allen in his *Age of Erasmus* deals with his early days and his life at Deventer and Laach. See also L. Geiger, *Renaissance und Humanismus in Italien und Deutschland*, Berlin, 1852, pp. 393-5, and S. Baring-Gould's *Book of the Rhine*, 1906, p. 176

Butzbach was the son of a weaver at Miltenberg, a town on the Main above Aschaffenburg, and was born about 1478. By 1500 all his travelling was done and he was safely sheltered from the world within the walls of the great Benedictine abbey at Laach.<sup>3</sup> Here in later years he compiled his 'Wanderbuch' for the instruction of a step-brother, Philip Drunck, then a student at Münster in Westphalia. His recollections carry him back to his earliest days, and in another of his writings<sup>4</sup> he gives us an interesting description of his picturesque and busy little birthplace.

This town (he says) is of great antiquity and was inhabited by the pagans; the remains of old walls bear witness to its mythical founder, a king of Troy. At the back, enclosed by the hills which approach the Main, Miltenberg spreads itself out for half a mile towards the high road. It is fortified by powerful ramparts and ditches, walls and bastions, as well as at the entrance and exit and on the heights by three mighty towers. Above the centre of the town rises the castle with high walls, moats, and draw-bridges. The archbishop of Mainz resides here at times for purposes of recreation. The castle has an ornamental chapel, spacious apartments, and stables. High up on the look-out tower the watchman keeps perpetual guard, and blows upon his horn as occasion arises. The houses, which are built either of freestone or are painted white, look very attractive with their tiled or slated roofs. Excellent, too, are the cellars cut in the earth or in the rock, in which provisions can be stored and kept cool in summer and warm in winter. There is also a large and magnificent collegiate church resting on slender columns, which is dedicated to St. James. . . . The parish church of St. Mary is situated curiously enough outside the town in a neighbouring village. . . . There is also a famous hospital of St. Peter with large revenues. The terms of the foundation were, that poor travellers should be kindly received by the Master, their feet were to be washed, and they were to be sumptuously refreshed. Further in the town is also a beautiful chapel to our Dear Lady, which has been famous for its marvels from ancient times. This is never empty of pious worshippers . . . and is so renowned that strange pilgrims who come week by week from Hungary, Bohemia, and other remote districts on their way to Aachen, never fail to stop and pray there. The burghers of Miltenberg have themselves a great veneration and love for the Holy Mother of God, so that at the time of the great pilgrimage they set up in the market-place, of their own free will, an open kitchen and a large tent for the pilgrims, whom they generously entertain with food and drink, a form of hospitality which I have never seen or heard of elsewhere. . . . The townsfolk, with the exception of a few notable artists and merchants, occupy themselves mainly with shipping,

<sup>3</sup> Laach is some miles west of Andernach, on the Rhine. The abbey was suppressed by the French in 1803, and Butzbach's manuscripts were taken to Paris. After the second Peace of Paris, 1815, they were returned and housed at Bonn. From 1863 to 1873 the abbey was in the hands of the Jesuits, but was restored to the Benedictines in 1893.

<sup>4</sup> *Makrostroma de laudibus Trithemianis et commendatione philosophica adversus Zoilos et Trithemiomastigas*. Libri xvi; lib. iii, fo. 151-154, still in manuscript at Bonn.

fishing, portorage, and husbandry, and particularly with weaving. There are also many bakers, butchers, and innkeepers on account of the lively traffic and the number of strangers travelling to the Frankfurt fair, to Aachen, and other German towns. Miltenberg is the most important harbour on the Main, which at this point first becomes navigable for large boats. The wares from Frankfurt are here conveyed from ships to carts, while the merchandise going up stream is loaded up again on the boats. For this reason the Miltenberg boatmen and carriers have through their hands the whole of the traffic between Nuremberg, Bamberg, and Frankfurt.

Butzbach was justly proud of his native town, and called himself after it, in accordance with the usage of the time, 'Piemontanus', though he was not destined to spend much of his life within its walls. At the age of six he was put to school, but he was lazy and played truant, and eventually, after receiving a severe thrashing from his master, he was removed to another school.

An opportunity now occurred for the boy to receive a wider education. It so happened that the son of a neighbour, a wandering scholar, had just returned from his travels, and he had little difficulty in persuading the elder Butzbach to entrust the boy to his care. These wandering scholars were common in Germany at this time. They wandered about from school to school, not infrequently carrying with them a younger student, to whom they were supposed to act as governors and teachers. Their influence was often of the worst kind, they ill-used their charges and taught them to beg and steal, and the unscrupulous harpy to whom the elder Butzbach delivered over his son was as bad as any of them. He vowed that under his guidance the boy would make more progress in one year than he could ever do at Miltenberg if he remained there all his life. Young Butzbach was supplied with books and new clothes, a liberal contribution was made to his share of the expenses, and he looked forward with delight to his entry into a world where, as he firmly believed, the wayside hedges sprouted sausages, and the houses were roofed with cakes. He was barely ten years old when in the summer of 1487 he set out upon his wanderings, and it was six years before he was to see his home again.

The scholar's aim was to find some school having a Bursa or hostel attached to it, where they could live at small expense, and they made their way first of all towards Nuremberg. The first day brought them to Kulsheim, where they repaired at once to the best inn in the town. Here a sumptuous spread was ordered, and the scholar, who had a number of friends in the town, made merry with them far into the night, while the wretched Butzbach was left unheeded to fast and sleep behind the stove. The previous day had been spent in preparation and farewells,

and the boy had eaten practically nothing. He was now almost ill with hunger, but not one bite did he receive from the table where the scholar and his companions surfeited at his expense. The next day the scholar and his charge continued their journey to Windsheim and thence to Nuremberg, but there was no room for them there at the hostel, and they went on to Bamberg. Here, too, owing to the great concourse of scholars, they were unable to procure a lodging, and were forced to tramp wearily back to Nuremberg. Butzbach's feet were sore, and he was altogether more miserable than he had ever been before. They put up at an inn, where the kindly hostess dressed and tended his feet, and within a few days he was about again, and was busily exploring the town.

Butzbach was by nature a lover of the past, and writing in his later years he recalls with unrestrained delight his visit to these important German cities. At Windsheim, then a free town of the empire, the boy was profoundly stirred by the powerful walls, the lofty houses, and the fine churches and towers, the like of which he had never seen before or since. Bamberg was unfortified, with magnificent public buildings and stately houses, which spread themselves across the Regnitz in the form of an amphitheatre resting upon five hills.

Here (he writes) we turned in at the common inn and according to the old praiseworthy custom were very kindly received and treated with pious ceremonies and uses. We intended to rest there a little until we had seen the town and found perhaps a settlement in one of the schools. The place impressed me very favourably. On the summit of the hill which rises over the town is an abbey of our Order, which can be seen from all points of the town as though it were built in the skies. There is also a castle, standing upon an eminence, which is well fortified by nature and art.<sup>5</sup> The town is also adorned with public buildings and beautiful houses, and through the middle runs the river Regnitz . . . which is here crossed by a bridge. Here are said to be two of the six water-pots in which Our Saviour turned the water into wine, as well as the sword with which Peter smote off Malchus' ear.

Of Nuremberg, as might be expected, Butzbach writes at considerable length. The town was then in the hey-day of its prosperity, famous no less for its world-wide trade than for the cunning and skill of its artificers, who were so expert in their work that their soul or *intellectus agens* was said to dwell in their finger-ends. Butzbach seems to have been particularly impressed by the beauty and fitness of the streets and houses, and by the magnificence of both public and private buildings—the houses of the burghers, richly carved within and without, bearing the

<sup>5</sup> The Altenburg or Babenburg, where the Emperor Philip was murdered by Otto of Wittelsbach.

impress of the period when everybody was a merchant, and every merchant was housed like a prince.

This town (he says) is named and known, as one says, throughout all Germany and among all peoples. It is the head staple of Germany: great riches are found in public and private possession. The town carries on without hindrance a notable trade with Venice, Prague, Frankfurt, Cologne, Antwerp, and the other great trading centres. On a height is the Royal Castle from which one obtains an unimpeded view over the whole town and the surroundings.<sup>6</sup> The town is closed and strongly fortified with high and broad walls and bastions, and deep ditches, which completely enclose it. In addition, as Hartmann writes in his Chronicle, and as I have seen myself, there is a bulwark consisting of a very thick wall with 365 towers.<sup>7</sup> It is also adorned with magnificent burgher-houses and is situated exactly in the middle of Germany. As the burghers are very industrious and the town is an Imperial one, the Council has obtained a position of public authority which is independent of the people. The senior burghers rule the community, while the people busy themselves with their affairs and take not the slightest interest in public business. There are a number of large and beautiful churches in addition to the two parish churches which are dedicated to St. Sebald and St. Lawrence. Moreover there are four churches of Mendicant Friars, splendid buildings which the burghers have erected from time to time. The virgins vowed to God have two convents dedicated to St. Catherine and St. Clara. The crusaders of the German Order have extensive possessions there. The town possesses also a famous Benedictine abbey named after St. Aegidius, and a Carthusian abbey notable for the magnificence and beauty of its building. Further, there stands in the market-place a splendid chapel to the Holy Virgin, as well as a very beautiful fountain.<sup>8</sup> . . . The town also guards the Imperial Insignia, to wit, the Emperor's robes, the swords, the sceptre, the orb and the crown of Charles the Great, which are kept in the Nuremberg archives.<sup>9</sup> These lend to the coronation of each king a special glamour on account of their sanctity and age. For it is to antiquity that respect must deservedly be paid, the products of a modern age receiving little attention. Nuremberg also possesses as relics the priceless lance which pierced the side of Jesus Christ on the Cross, as well as a famous fragment of the Holy Cross itself, together with other treasures which are renowned and worshipped all the world

<sup>6</sup> Visitors to Nuremberg will recall this view, as also the still finer one from Lugins-Land, from which one looks right away over that picturesque confusion of high-pitched roofs and turrets across the gardens and villages of the plain to the rising ground beyond.

<sup>7</sup> How many towers really existed at the time it is impossible to say, but it was a subject upon which the chroniclers wrote without any regard for conscience, and Butzbach would have been wiser to count them. The whole circuit of walls, towers, and ramparts was complete in 1456, so that the defences were still something of a novelty when Butzbach saw them.

<sup>8</sup> The 'schöne Brunnen', built in 1385-96.

<sup>9</sup> They held them as late as 1796. Every year at Easter a scaffold was built in the market-place, and the treasures were displayed upon it. They were kept in the Church of the Holy Ghost.

over, and which are piously visited each year on the 13th day after Easter by crowds of people from various provinces. . . . Further, the town of Nuremberg, which is also called Neroberg, after its mythical-founder, is distant 18 miles from our birthplace, Miltenberg, and 9 miles from Bamberg.

Leaving Nuremberg, the travellers struck south, still in search of a vacant hostel, until they reached the Danube. It was now late autumn, and the bridge upon which they had to cross was nothing more than a single plank without rails. There had been a heavy frost the night before, and the ice was so thick upon the footway, that in crossing Butzbach slipped and fell, bringing down the scholar with him. Luckily they managed to cling to the plank, and eventually contrived to crawl ashore more dead than alive. The travellers then made for Regensburg, turned north again, and came at last to the borders of Bohemia. They had now been two months on the road, the money had been spent, and Butzbach was set to beg in the villages for food, and when this failed he had to steal. The scholar starved and beat him, accused him of eating up the titbits instead of bringing them in, and employed disgusting means to find out whether this was so or not.<sup>10</sup>

Finally they reached the town of Kaaden in Bohemia, and found a settlement in the Bursa attached to the school there. They were allowed to share a bare and empty room with two other students, in which, notwithstanding the stove, round which they used to crowd for warmth, the poor little Butzbach was almost frozen to death. Nor did the boy obtain any sort of relief from the ill treatment of the scholar, who required him now persistently to steal. The winter dragged itself out drearily enough, but the vagrant scholar, who was as restless as he was idle, could not settle down, and in the spring, when the snow was disappearing from the hills, he was off with his charge upon the road again. The plague was about, and he and the boy were obliged to hurry on from place to place in order to escape infection. Finally they drifted to Elbogen, and at the warm springs a mile or so away (the present Karlsbad) they bathed and refreshed themselves for three weeks and then made their way to Eger. Here they were received into the school, and were both lucky enough to find employment with a wealthy family, their duties being to escort the sons of the house to school and oversee their lessons. But Butzbach was not even now quit of the scholar, who forced him to beg and steal for

<sup>10</sup> Compare the story related by Thomas Platter, the elder, of another wandering scholar and his charge, *Thomas Platter's Selbstbiographie*, ed. J. R. R. Heman, Gütersloh, 1882, p. 32: 'Sie hiessen ihm den Mund mit Wasser spülen und in eine Schüssel mit Wasser speien, dass sie sähen ob er etwas gegessen hätte.'

other boys less fortunately placed, until in misery and desperation he ran away. He fled to Karlsbad, where he obtained employment at an inn to wait upon the gentry and guests and to make himself generally useful. From that day to the end of his life he saw the scholar no more, but misfortune still dogged his footsteps. He had the ill luck to attract the notice of a Bohemian nobleman, who seized and carried him away into the interior of Bohemia, where he was destined to spend the next five years of his life. He was not yet twelve; all his fine plans and promises, all the fair hopes for the future, had crumbled away into misery and servitude. He was far from home, far from any chance of study, alone and friendless, among a strange people, masters of black arts, and heretics, followers of John Huss and Wycliffe, who denied him even the comforts of his church.

See then (he writes as he closes the first part of his book) what misery I was forced to undergo from my 7th to my 12th year under the rod of the schoolmaster, and how that rogue of a scholar, after such specious promises to my parents, ill-used me when I was abroad. May God forgive him all the evil he did me. Amen.

## II

Butzbach appears to have made good use of his time in Bohemia. He learnt the language, made a careful study of the habits of the people, and acquired some of the national skill in horse-riding, although he does not seem to have made any serious attempt to rival the more dangerous feats of the gallants of the country, who were wont to greet their ladies with perilous exhibitions of horsemanship.<sup>11</sup> Their vocal exercises at these times, too, were so frightful, says Butzbach, that if such a din were raised in any civilized country, the entire population would immediately rush to arms. Of that strange mixture of rebellion, persecution, bloodshed, and religion, which made up the political life of fifteenth-century Bohemia, he writes little. Prague was comparatively quiet when he was there (c. 1490). The riots of 1483 had been forgotten; the Utraquists had had their 'bloody cakes' to eat, and the citizens had obtained an almost complete autonomy. But he got a taste of the social disorder which was rife in the country districts while travelling to Prague. A hundred years earlier it was said of Bohemia that it was so peaceful and

<sup>11</sup> 'Wenn wir nämlich mit dem Grafen ausritten und zufällig an einer Burg oder adeligem Schlosse oder an einem sonstigen Hause vorbei kamen, darinnen man Jungfern oder Frauen vermuthete, so pflegten wir, so lange der Ort zu sehen war, alle wie toll und rasend den geschwindesten Galopp so wie die gefährlichsten Sprünge querfeldein, über Zäune und Gräben zu wagen, indem wir unter lautem Geschrei Arme und Beine über dem Kopf in die Lüfte erhoben und riefen Ju Ju heya hoya hossa hossa! O nula peck na grasna pana,' &c.: *Wanderbuch*, p. 82.

prosperous that a traveller could ride from one end to the other, with a bag of gold on his head, in absolute security. Butzbach and his master rode to Prague at the risk of their lives, through woods which were infested with armed robbers.

We entered these woods (he says) with loaded arms, and my master said to me, 'Keep close at my back. If you should see an ambush of robbers by the road, give me a sign at once, and whether I ride on or halt keep close to me.' We had hardly entered, when the robbers were soon in evidence. We saw them peering out of hollows and bushes like birds, signalling to each other with whistles. As we heard them we fled, galloping as hard as we could for about a mile, so that the horses were covered with foam. Then we rode more slowly in order to rest the horses. And see, there was one of the robbers directly in front of us. At his right side he wore a long and broad sword, on his left a short and equally broad one, and at his back in his belt he carried a double axe. We shot at him until he gave ground, but as we heard him summoning his companions with a series of quick whistles, we galloped off again at full speed, giving our horses the spurs which seemed to lend them renewed strength.

The rest of the journey passed off without mishap, and in due course the travellers reached Prague in safety.

In spite of the lamentable increase in heresy, Prague, with its magnificent buildings, evidently made a great impression upon Butzbach.

This town (he writes) is renowned for its Imperial Castle wherein the holy Wenceslaus is resting.<sup>12</sup> It is divided into three divisions, between which flows the Moldau. Each division is separated from the others by a wall, and is at the same time a town by itself.<sup>13</sup> And yet the three parts together form the one city of Prague. There is a New Town and an Old Town, which are inhabited solely by heretics. The other division with the castle is situated across the river and is inhabited by Christians.<sup>14</sup> The King,<sup>15</sup> who also owns Hungary and the Margraviate of Moravia, is very friendly disposed toward the Christians. Once he would have been murdered by the heretics at a feast to which he had been invited, had he not been previously warned by one of them who was faithful to him. This town, at least so it is reported by the Bohemian historians, was founded shortly after Abraham's time, as were also the towns of Trier<sup>16</sup> and Worms, and was even then a famous royal and priestly place. In the smaller part of the town, which also contains the hill on which stands the Royal Castle, is situated the Cathedral Church

<sup>12</sup> The beautiful chapel containing the tomb is in the cathedral of St. Veit, which is enclosed with other buildings by the castle. These buildings form the chief ornament of the famous Hradschin.

<sup>13</sup> This is why Prague was called 'termagna triurbs, triurbs teringens', and possessed a threefold coat-of-arms.

<sup>14</sup> The so-called Kleinseite.

<sup>15</sup> Vladeslav II. He died in 1516.

<sup>16</sup> Butzbach had perhaps in mind the inscription still to be seen on the former Rathhaus, now the inn 'Zum rothen Haus', at Trier:

Ante Romam Treviris stetit annis mille trecentis:

Perstet et aeterna pace fruatur. Amen.

of St. Veit. The Old Town lies completely in the plain, and is wonderfully adorned with splendid buildings, among which the Court House, the Market, the spacious Rathhaus and the University, all founded by Charles IV, are the most noticeable. The two parts of the town are joined by a stone-bridge which rests on 24 arches.<sup>17</sup> The two larger divisions are separated by deep ditches, fortified on both sides by walls. The outer or New Town spreads itself far and wide towards the hills, and contains the famous memorial church of St. Katherine and Charles the Great.<sup>18</sup> There is also an imposing building like a castle which is the seat of a much frequented university.

The particulars concerning the Bohemian people which Butzbach gives us are among the most interesting things in his book. He writes of their heresies and witchcrafts, of their speech and customs at length and with considerable insight. Again and again he deplores their fall from grace, and sighs for the days when Bohemia was a light among Christian nations, instead of a stronghold of unbelief, when the whole land was filled with stately churches, wherein were altars of gold and silver bearing holy relics, and where, in the soft light which entered through windows rich with coloured glass, the priests performed their daily offices. So far had this wretched people wandered from the path of truth that they lived without confession and believed that fasting had been enjoined by St. Peter in order to promote the sale of fish. In the town of Kaaden there was only one pastor, who held a service once a week, and administered the sacrament once a year only. Their places of worship were mere wooden barns containing one altar, and to these miserable temples the people were required to repair on Sundays to hear sermons, and if they stayed away they were driven thither with rods. The holy sacrament was administered in unconsecrated buildings, and any one, including little children and idiots, was free to partake. They observed no feasts, except Sundays and Easter Day. The citizens, he says, were prosperous, rich indeed in the goods of this world, but how in the face of such superstition they would fare hereafter was a matter of doubt. He describes the people as a whole as gross eaters but moderate drinkers. Some of the richer classes were over-indulgent, and waxed so fat that their paunches had to be suspended from their necks by means of bands. They wore their hair long, clothed themselves in furs, and dwelt in houses without chimneys, where the smoke from the stoves was at times so dense that the rooms were rendered uninhabitable.

<sup>17</sup> This famous bridge, erected 1357-1507, is 540 yards long and has 16 arches not 24.

<sup>18</sup> This must be the Karlov, or Church of the Assumption of the Virgin Mary, a fine Gothic edifice built by Charles IV in 1350. Its octagon dome is said to be an imitation of the burial-place of Charles the Great at Aachen.

Butzbach was not happy in Bohemia. He was passed from hand to hand like a parcel of goods. His masters used him for every kind of work, and he always ended in penetrating more and more deeply into this strange land, while he lacked the courage to run away from masters who could scour the country on horseback, and string up runaway servants to the trees. Once he was tempted to make use of witchcraft in order to return home, and resorted to an old hag, who offered to provide him with a black cow upon which he could escape through the air; but the fear of the devil restrained him, and it was a long time before an opportunity occurred for him to make the journey in any other way. One day, however, he was sent into a neighbouring town to make purchases, and here he met a friendly German pilgrim, who took pity on him, and advised him to escape at once, promising to render assistance by misdirecting his pursuers, and late that afternoon the boy 'took his legs upon his shoulders', and before evening was several miles away. On the road he chanced to fall in with a party of travellers who carried him with them to Sotz, where he was very kindly received by a wealthy tanner. Here he found occasion to return to his mistress the piece of silk which he had been commissioned to buy just before his flight. He now entered the service of a weaver, but left him before long and drifted to Brûx, where he found a fellow companion, a sugar dealer, who needed an interpreter, and travelled with him to Karlsbad. He was still in luck's way, for he now fell in with a German merchant who was returning to Nuremberg with his family after taking the baths. A place was found for him in the carriage, and from Nuremberg a carrier took him home. But he arrived to find his father dead and his mother married again. He returned, not as a scholar, not as a doctor, as he had pictured himself in his childish fancies, but as a Bohemian, a barbarian, a strange figure indeed, with his long fair hair hanging down over his shoulders, his queer dress, and unfamiliar habits.

### III

The boy was now sixteen years of age. His education was considered to be complete, and shortly after his return his hair was cut, his clothes were changed, and he was apprenticed to a tailor at Aschaffenburg, with whom he suffered greater hardships, if possible, than had been his lot previously. The work was not easy, as the fashions then leant towards extravagance, and the apprentices were obliged to make the simplest garments out of multicoloured cloths, and to embroider them with all kinds of ornamental devices, such as clouds and stars, blue

skies, lightning and hail, clasped hands for lovers, flowers and plants, crosses, and even spectacles. Extravagance in dress, not only among the patricians and city dignitaries, but also among the middle classes, was one of the curses of the age. Luxury increased by such leaps and bounds that special sumptuary ordinances<sup>19</sup> were passed fixing a standard beyond which it was unlawful to go. The richest cloths and silks were used, and beneath the tailor's bench was a basket called the eye. Into this the remnants of cloth were thrown as they were cut off, and any customer who inquired for his surplus cuttings was informed that there were none—that there had not in fact been sufficient left over to cover or fill an eye.

At the expiration of his apprenticeship the boy wandered to Frankfurt and then to Mainz, where he obtained work, and it was here that he caught the first breath of that new hope to which he was to devote his life. He desired with all his heart to enter a monastery, and in 1496 he obtained employment as a lay-brother in the Benedictine abbey of Johannsburg in the Rheingau opposite Bingen. His duties were to do the tailoring for the monks, and to make himself generally useful. He carried water and fetched food, looked after visitors, helped with the harvest, and picked grapes. He had also to attend the abbot when he rode abroad, and every Wednesday he journeyed across the Rhine to Bingen to buy eggs and other necessaries. To the end of his days Butzbach never forgot the quiet beauty of the Rhine country, with its hills rising from the waterside, covered to the very summits with vines and fruit and corn, where no ground was idle, and where even the rocky places were under cultivation. So singularly delightful, so incredibly fruitful was this district, that the very travellers hurrying past upon the river were fain to stop and seek peace amidst surroundings so softly, yet so indescribably beautiful.

Before a year was out he had tired of his humble duties, and obtained leave to go to school again. His choice was Deventer, which then under Hegius numbered some two thousand scholars, and thither he made his way at once. He was then twenty years of age, and was placed in the 7th class among the little boys who were beginning their grammar. But he had no means of livelihood beyond what he could make by his tailoring, and hunger drove him back to Johannsburg. In August 1498 he was again at Deventer, this time in the 8th class, but he worked hard and made rapid progress, and was fortunate in finding a home at first in the house of a pious woman who without vows had devoted herself to a life of good works, and later, on entering the 5th class; he became entitled to admission to the

<sup>19</sup> E. g. in Lindau 1497, Freiburg 1498, Augsburg 1500.

Domus Pauperum maintained by the Brethren of the Common Life for boys who intended to become monks.

Deventer had long been famous for the excellent work it did for the Reformed Orders, in providing them with well-trained probationers, and late in the year 1500, by which time Butzbach had reached the 3rd class, an emissary arrived at the school who was recruiting for the Benedictine abbey at Laach. A special appeal was made to the 3rd and 4th classes, but in vain: the scholars had paid their school fees and did not wish, or could not afford, to sacrifice them. Eventually, however, Butzbach and another student, Peter of Spires, handed in their names; they were accepted, and on 4 December 1500 they said farewell to their masters and friends, and set out for Laach.<sup>20</sup> The journey was an extremely trying one. So cold was it, that at Emmerich the Rhine was completely frozen over, and they were obliged to cross on the ice. They had considerable trouble with Peter, who was an altogether weaker vessel, and was ailing and easily tired, and at Coblenz, whither he had been sent on with a servant to rest and wait for the others, he surpassed himself by getting drunk. But Laach was reached at last, and the first glimpse of the great abbey, rising from the woods beside the lake, struck Butzbach as the most beautiful thing he had seen in all his travels. When he arrived the brothers were still at table. He was taken at once to the church, with the words of the Psalmist on his lips, 'This is my resting place for ever. Here will I dwell, for I have desired it.' His troubles were over at last, and with the walls of the abbey about him he found the peace he had so long desired.

After the period of probation he entered the novitiate, then followed his profession; two years later he was ordained priest, and in 1507, when only thirty, he was made prior. He does not seem to have had a strong constitution: he suffered much from illness in youth, and at Deventer, which with all its scholastic advantages, does not seem to have been a healthy spot, and when the end came in 1526 he was only forty-eight.

MALCOLM LETTS.

<sup>20</sup> For a much more detailed account of Butzbach's life at Deventer, his journey to Laach and life there, see Mr. Allen's book cited above, pp. 56-62 and 68-79.

## *The Statute of Proclamations*

THE early months of 1539 were marked by a severe crisis in the diplomatic relations between Henry VIII and the emperor, and in consequence a parliament was summoned for 28 April; for this, most careful preparations had been made by Cromwell, and though Gairdner's statement that 'if there was a single county, city, or borough uncontrolled in its election of representatives, the case must have been exceptional',<sup>1</sup> implies rather more than the scanty evidence at our disposal will justify, yet there is little doubt that Cromwell was not exaggerating his own services when he wrote to the king that he 'and other your dedicate conseillers be aboutes to bring all thinges so to passe that your Maiestie had never more tractable parlement'.<sup>2</sup> The exertions that Henry's ministers considered it necessary to make<sup>3</sup> in order to secure this complaisant house of commons, seem all the more remarkable when it is recollected that just at this time the threatened war had drawn from the people of the south and east of England numerous exhibitions of active loyalty to the crown.<sup>4</sup> Therefore as almost all the instances that we possess of the exercise of undue influence over the elections show that pressure was being used to secure the return of Cromwell's personal friends or dependants, it might be suspected that the packing was being done in the interest rather of Cromwell than of the crown.<sup>5</sup> On the other hand, it must not be forgotten that Cromwell was the minister who would most naturally be entrusted with the manipulation of parliament, and that, in spite of any success he might have obtained in the formation of a party in the commons, no difficulty was experienced in persuading the lower house to upset his plans. Consequently, what we know of the composition of this house of commons is really totally insufficient to enable us to deduce what attitude it would be likely to assume towards any of the chief questions of

<sup>1</sup> *Introductio to Letters and Papers of Henry VIII*, xiv. i, p. xxxviii.

<sup>2</sup> Cromwell to Henry VIII, 17 March 1539, Merriman, *Cromwell's Letters*, ii. 197-9.

<sup>3</sup> Cf. *Letters and Papers*, xiv. i. 520, 538, 573, 598, 634, 645, 662, 672, 800.

<sup>4</sup> Gairdner, *Introductio to Letters and Papers*, xiv. i, pp. xxxiii, xxxiv.

<sup>5</sup> Mr. Pollard suggests that Cromwell was trying to secure a majority for himself against the reactionary party of Norfolk (*Henry VIII*, pp. 260-1).

the day, or on what grounds it would oppose any measure that might be laid before it; all that can be said is that, undoubtedly, the royal influence was exceedingly strong, irrespective of any authority that Cromwell might have wielded.

On Monday, 12 May, the lord chancellor introduced into the house of lords the first draft of the statute of proclamations, and it was read for the first time.<sup>6</sup> On 9 June it was read for the second, and on the 10th for the third time;<sup>7</sup> on the 12th it was handed over to the two chief justices, the master of the rolls, the king's attorney, and the solicitor-general to be reformed, and the clauses to be contained in it were read to them before the assembled lords. On 13 June the bill was again reformed, read anew, and handed to the clerk of the parliament to be engrossed, and on the following day it received the final assent of the lords and was carried by the attorney and solicitor-general to the commons.<sup>8</sup> On Tuesday, 24 June, it was returned from the commons, having been rejected by them on the previous day, but along with the old bill was sent a new one which the commons desired should take its place; to this the lords at once gave the first and second readings.<sup>9</sup> On the following day the new bill was read a third time, and handed to the master of the rolls, together with a paper containing some amendments that the lords requested might be made in it; by him it was carried to the commons, where the desired alterations were made, and on 26 June it was given its final reading in the lords and was expedited;<sup>10</sup> on Saturday, 28 June, it received the royal assent (31 Hen. VIII, c. 8).

The act opens with a preamble stating that certain persons have disobeyed proclamations set forth by the king, 'not considering what a King by his royal power may do, and for lack of a direct statute and law to coarct offenders to obey the said proclamations', which are necessary in sudden emergencies when 'by abiding for a parliament in the mean time might happen great prejudice to ensue to the realm'; therefore it is enacted that the king with the advice of his council (whose names are appended), or of the majority of them, might set forth pro-

<sup>6</sup> *Lords' Journals*, i. 108.

<sup>7</sup> *Ibid.*, i. 116.

<sup>8</sup> *Ibid.*, p. 118.

<sup>9</sup> *Ibid.*, p. 122. As there are no journals of the commons for 1539, information in regard to their doings has to be derived from the journals of the lords. Dixon, in his *History of the Church of England*, ii. 128-31, implies that the bill was redrawn in the lords; this was not the case. He is also wrong in stating that later the commons proposed certain further amendments; they were proposed in the lords.

<sup>10</sup> *Ibid.*, p. 123. That the period from 13 June when the bill first went to the commons, until 26 June when it was finally passed, was largely occupied with debate on its provisions, seems to follow from J. Husee's letter to Lord Lisle: 'The Parliament is not yet broken up. They have rested fifteen days upon an Act for proclamations, but they are now at a point and tarry but the making (out) of the book': *Letters and Papers*, xiv. i. 1158, 25 June.

clamations under such pains and penalties as shall seem necessary, and 'that those same shall be obeyed, observed, and kept as though they were made by act of parliament for the time in them limited'. Clause ii provides that none of the king's subjects shall, by virtue of this statute, lose life, possessions, or liberties 'other than shall be hereafter in this act declared'; and with this should be read clause iv, where it is definitely stated that any offender against a proclamation 'shall lose and pay such penalties, forfeitures of sums of money . . . and also suffer such imprisonment of his body, as shall be expressed . . . in any such proclamation'. Clause ii likewise provides that 'no proclamation issued by virtue of this act shall infringe any acts, common laws standing at this present time in strength and force, nor yet any lawful or laudable customs of this realm'; it concludes by excepting from the foregoing provisions safeguarding life, liberty, and property all offenders against proclamations concerning heresy. Clause iv lays down that conviction for the breach of a proclamation must take place before a court consisting of the privy council and the chief judicial officers of the crown, or at least half of them; and of eight great officials, specially mentioned, two must always be present on such occasions. Finally, clause viii states that, should the king's heir come to the throne before he was eighteen years old, all proclamations issued by virtue of the statute before he attained that age must bear the names of those members of the council who shall be 'the devisors or setters forth of the same', and who must be at least a majority of that body.

Of this act the chorus of condemnation has been almost universal. Hume declared that parliament had proceeded to an entire surrender of their civil liberties, and that 'without scruple or deliberation they made, by one act, a total subversion of the English Constitution', though he admits that 'they framed this law, as if it were only declaratory, and were intended to explain the natural extent of royal authority'.<sup>11</sup> Blackstone followed by asserting that

the royal prerogative was then strained to a very tyrannical and oppressive height; and, what was the worst circumstance, its encroachments were established by law, under the sanction of those pusillanimous Parliaments, one of which, to its eternal disgrace, passed a statute, whereby it was enacted that the King's proclamations should have the force of Acts of Parliament.<sup>12</sup>

Hallam, in a characteristic burst of indignation, declared that the statute is 'a striking testimony to the free constitution it infringed and demonstrates that the prerogative could not soar

<sup>11</sup> *History of England*, ch. 32.

<sup>12</sup> *Commentaries*, iv. 424.

to the heights it aimed at, till thus impeded by the perfidious hand of parliament'.<sup>13</sup> Froude compared the powers that this act gave the Crown to those of the Roman dictator,<sup>14</sup> though Hume had already pointed out that the statute was obviously intended to be permanent and not merely to meet a temporary emergency. Stubbs called it 'a virtual resignation of the essential character of Parliament as a legislative body'.<sup>15</sup> With this opinion Anson is in full agreement,<sup>16</sup> and Mr. Dicey holds that 'this enactment marks the highest point of legal authority ever reached by the Crown', and sees the reason for its repeal in its 'inconsistency with the whole tenor of English Law'.<sup>17</sup>

Dr. R. W. Dixon, indeed, ventures upon a very modest measure of apology for this 'perfidious' parliament, and gives it as his opinion that

the Act bears rather the appearance of a timid attempt to draw the prerogative within the limits of regular legislation than of a surrender of the constitution to the prerogative, [as] these royal edicts were now raised or reduced to the level of Acts of Parliament: and, being invested with the formal character of laws, the King was required to affix to them penalties that should be specified.<sup>18</sup>

This opinion Mr. Merriman, in his edition of *Cromwell's Letters*, attacks with vigour, seeing in the act of 1539 merely

the most drastic of the measures which Cromwell adopted to strengthen the power of the Crown. . . . By this statute, all proclamations made by the King and Council were given the force of Acts passed in Parliament, save when they touched the subjects' lives, lands, goods or liberties, or infringed the established laws.<sup>19</sup>

In his monograph on Henry VIII, Professor Pollard repeats the usually accepted view of the statute's significance.<sup>20</sup>

The first really discordant note in this chorus of opinion is uttered by Mr. Robert Steele, who points out that

the Act of Proclamations is often spoken of as if it gave to Royal proclamations the force of law. In the strict sense this is hardly true: it gave to the Council, when constituted in a particular way, parliamentary

<sup>13</sup> *Constitutional History*, i. 47.      <sup>14</sup> *History of England* (1893 ed.), iii. 200-2.

<sup>15</sup> *Constitutional History* (4th ed.), ii. 619.

<sup>16</sup> *Law and Custom of the Constitution* (4th ed.), i. 322.

<sup>17</sup> *The Law of the Constitution* (8th ed.), p. 49.

<sup>18</sup> *History of the Church of England*, ii. 128-31.

<sup>19</sup> *Cromwell's Letters*, i. 123-5.

<sup>20</sup> *Henry VIII*, p. 391. Further study of the proclamations of this period has, however, caused Mr. Pollard to alter his opinion, and I have to thank him for the general, though most suggestive, criticism of the statute of 1539 which induced me to undertake its examination in detail. To Miss E. J. Davis, of University College, I am also much indebted for the criticisms to which she has subjected the ideas that I have embodied in this article.

sanction for the infliction of fines and imprisonment in matters affecting religion and public order, precisely similar to those it was already in the habit of imposing in cases of riot, &c.;<sup>21</sup>

but so little importance does he apparently attach to this distinction, that a few paragraphs earlier he has referred to the statute of 1539 as giving the force of laws to proclamations issued in a particular way.

All the criticisms quoted above imply that by this statute parliament was consciously making a distinct change in the legality of royal proclamations, and that that change consisted in giving them all the force possessed by an act of parliament, so long as they complied with certain stipulations, the most important of which Hallam and several others are prepared to treat as negligible. If, however, careful attention be given to the circumstances attending the passing of this act, and to its wording as it stands on the statute-book, it will be found that this implication can hardly be supported.

Mr. Merriman discovers its origin in a letter which Cromwell wrote to the duke of Norfolk on 15 July 1535. Here Cromwell describes a conference which he has had with the chief law-officers of the crown, as to the method to be adopted to stop the conveyance of coin out of the realm. He tells how, much to his satisfaction, they had been able to produce a statute of the time of Richard II which forbade any such exportation; he then goes on,

But Amongst all other thinges I mouyd vnto my sayd lorde chauncelor my lorde cheffe Justyce and other that yf in Case ther were no law nor statute made alrebye for any suche purpose what myght the Kynges hignes by the aduyse of his Counsaylle doo to withstande so greate a daunger lyke as your grace alledgyd at my beyng with you to the which yt was answeryd by my lorde cheffe Justyce that the Kynges hyghnes by the aduyse of his Counsayll myght make proclamacyons and vse all other polecyes at his pleasure as well in this Case as in Anye other lyke For the avoyding of any suche daungers and that the sayd proclamacyons and polyces so deuysyd by the King & his cownsayll for any such purpose sholde be of as good effect as Any law made by parlyament or otherwyse which oppynyon I assure your grace I was veray gladd to here.<sup>22</sup>

This letter hardly supports Mr. Merriman's comment, that Cromwell 'saw that the good work which had been already begun could not be considered complete until the opinion expressed had been given legal form', especially as he adds that the 'measure proposed was so radical, that . . . it was four years before he was able to carry it through'.<sup>23</sup> There is not the

<sup>21</sup> *Bibliography of Royal Proclamations*, introd., p. lxxix.

<sup>22</sup> *Cromwell's Letters*, i. 409-10.

<sup>23</sup> *Ibid.*, p. 123.

slightest hint at any such proposed measure in the letter, and the opinion of the highest legal authorities in the land was so decided, that no confirming act of parliament was necessary; and no minister of Cromwell's ability would have pressed for an unpopular measure merely to ratify a power which he had been told the crown already possessed and which was often exercised before any such act was passed.<sup>24</sup> Moreover, even supposing that Cromwell had acted as Mr. Merriman suggests, it must be remembered that the bill he proposed in the lords was not the one ultimately passed, and may have differed from it to a very considerable extent.

2. Another account of the origin of this statute is given by Bishop Gardiner in a letter to the Protector Somerset on the latter's return from Scotland:

Whether the king may command against the common law, or an act of parliament, there is never a judge, or other man in the realm, ought to know more by experience, of that the lawyers have said, than I . . . Since that time being of the council, when many proclamations were devised against the carriers out of corn; when it came to punishing the offenders, the judges would answer, it might not be by the laws, because the act of parliament gave liberty, wheat being under a price: whereupon at the last followed the act of proclamations, in the passing whereof were many large words.<sup>25</sup>

This account, indeed, must be received with caution, as Gardiner had just at this time a strong personal interest in finding precedents to support his claim that the sovereign could not issue commands against the common law or acts of parliament.<sup>26</sup> Since, however, the statute of proclamations expressly states that no proclamation made by virtue of it should infringe, break, or subvert 'any acts [or] common laws standing at this present time in strength and force',<sup>27</sup> Gardiner's argument that the statute gave the king legal power to command against acts of

<sup>24</sup> Mr. Merriman also states that there occurs in Cromwell's 'remembrances' between 1535 and 1539 frequent mention of an act to be passed in parliament to give proclamations the force of law. Merriman gives no reference for this statement, and I have gone very carefully through Cromwell's 'remembrances' given in the *Letters and Papers* for that period, and have found nothing of this nature; such remembrances may exist, but their presence does not seem to be indicated in the Calendar.

<sup>25</sup> Burnet's *Collection of Records*, &c., part ii, book i, no. 14.

<sup>26</sup> See Gardiner's letter recorded in Burnet, *loc. cit.* Gardiner seems inclined to enunciate, in support of his actions, constitutional principles which were certainly not in accordance with contemporary practice. Compare his letter to Somerset in Townsend's edition of Foxe's *Acts and Monuments*, vi. 141: 'And, howsoever your Grace be informed, I never gave advice, nor ever knew man committed to prison, for disagreeing to any doctrine, unless the same doctrine were established by a law of the realm before.'

<sup>27</sup> 31 Hen. VIII, c. 8, s. ii.

parliament must fall to the ground. But it is possible that his account may have been founded on a true incident which was related in such a manner as would best suit Gardiner's particular needs. The judges might quite well have replied, that if the restraint were imposed by proclamation, punishment for its breach could not be inflicted 'by the laws', i. e. by the judges in the common law courts, but solely in the council or star chamber; this would possibly have been objectionable to the government, as the council's administrative duties were absorbing an ever-increasing amount of its time, and, in consequence, the statute of proclamations was introduced. The extent to which it met this difficulty will be discussed below.

3. Still another cause which has been suggested for the introduction of the bill that led to the statute of proclamations is that advanced by Burnet in his *History of the Reformation*:

There had been great exceptions made to the legality of the King's proceedings in the articles about religion, and other injunctions published by his authority, which were complained of as contrary to law; since by these the King had, without consent of Parliament, altered some laws, and had laid taxes on his spiritual subjects. Upon which an act passed, which sets forth, &c.<sup>28</sup>

But as Burnet gives no evidence in support of this statement, it must be treated merely as his own conjecture.

These, I believe, are all the explanations that have hitherto been given of the origin of this statute, and it should be observed that the evidence upon which they are based is in no case such as must, of necessity, compel us to declare that it was passed in order to give proclamations the force of laws. As a matter of fact, when the wording of the act is examined it will be found that there is a very strong probability that it was intended to do something much less drastic.

The preamble to the statute as ultimately passed clearly recognizes that the king has the right to issue proclamations, and that the people who have broken them are 'froward, wilful and obstinate persons . . . not considering what a king by his royal power may do'.<sup>29</sup> At this time, in fact, the king's power to issue and enforce proclamations was not seriously questioned at all, though this prerogative could only be exercised within certain limits. As Hearn says,

No lawyer ever contended that the King might of his own mere motion alter any part of the Common Law or make any law inconsistent with its provisions. No Plantagenet or Tudor ever thought that he could

<sup>28</sup> *History of the Reformation* (ed. 1841), i. 193.

<sup>29</sup> 31 Hen. VIII, c. 8, s. i. Compare also Hume's complaint, quoted above, that the law was framed 'as if it were only declaratory'.

reduce the number of jurors from 12 to 4, or that he could enlarge the widow's dower to a moiety of her husband's freehold estates. When Henry the Eighth himself granted a manor in Essex to a man and his heirs male, it was judicially decided that such a grant was bad, because the King could not create a course of inheritance unknown to the law. (Plowden, 335.) . . . When Queen Elizabeth desired the patronage of an office in which a freehold had been already granted, she was fain to admit that the right of the tenant was beyond her control. (Anderson's Reports, 154.)<sup>30</sup>

But, with the exception of the limitation that Hearn has here indicated, there was as yet no real check on the king's right to issue and enforce his proclamations; the sessions of parliament were generally so short and infrequent, the laws they drew up so often the result of special emergencies, and therefore liable to inflict injustice or do harm when the emergency was past, that people regarded with equanimity the claim of the king to legislate by proclamation not only in the very wide field left untouched by common or statute law, but even on occasion in direct opposition to a statute whose utility he considered at an end. Therefore, within the limits indicated above, proclamations had long been used with all the validity of acts of parliament, though their enforcement was in the hands of a different type of court. With this limitation on the issue of proclamations the statute of 1539 did not interfere. They still must not make any alteration in the common law; in fact, proclamations issued under the statute were to be even more limited than precedent might have justified, for it was laid down that they should not infringe 'any acts, common laws standing at this present time in strength and force, nor yet any lawful or laudable customs of this realm or other his Dominions, nor any of them'.<sup>31</sup>

Where it deals with the enforcement of such proclamations the wording of the statute has given rise to more confusion. The outstanding characteristic of a law lay in its sanction, in the method whereby its observance might be enforced and its infringement punished. Any person who disobeyed an act of parliament could be tried in a common law court; breakers of royal proclamations, however, unless a proclamation were merely declaratory of an act of parliament, or issued by virtue of some such act, were punished in a prerogative court, such as the council or the star chamber. Under the early Tudors, as suggested

<sup>30</sup> *The Government of England*, p. 37.

<sup>31</sup> 31 Hen. VIII, c. 8, s. ii. This would not necessarily prevent the king from issuing a proclamation in opposition to the statute law, but it could not be done by virtue of the act of 1539; the natural tendency would be towards recognizing the limits here laid down in black and white as the virtual bounds of the king's prerogative under all circumstances; from this point of view the act bid fair to have exactly the opposite influence to that usually assigned to it by historians.

above, it seems very probable that the great increase in administrative business with which the council had to deal was causing considerable delay in the transaction of minor details of a judicial nature. The act of 1487, 'Pro Camera Stellata', represents an attempt to ensure that the more pressing judicial business was disposed of promptly and efficiently, and at the root of the act of 1539 there seems visible a similar desire to find a method of enforcing royal proclamations, which might prove more convenient than trial before the privy council. What the government of the day actually proposed in the bill which was introduced and passed in the lords, but rejected by the commons, can only be conjectured; it is possible that it was to be enacted that proclamations should be enforced like ordinary laws in the common law courts, for the wording of the statute looks as though its re-making by the commons failed entirely to obliterate the original intention, a failure which resulted in the rather ambiguous language which has misled later commentators.

At first sight it might appear as though it were enacted that breaches of proclamations should be punished in the ordinary courts, for it is clearly stated in the statute that proclamations 'shall be obeyed, observed and kept as though they were made by act of parliament, for the time in them limited';<sup>32</sup> that this gives quite a wrong impression of the true intent of the act is, however, shown by a later clause creating a court for the trial of such offences, which might consist of all the most important members of the privy council, and must include at least thirteen of the principal officers of the kingdom.<sup>33</sup>

It is probable that this court was intended to be practically coextensive with the privy council, with the addition of the three chief judges,<sup>34</sup> and consequently it bears a close analogy to the court of the star chamber.<sup>35</sup> As the star chamber had been successful in coping with duties with which the privy council under the Lancastrians had proved unable to grapple, it seems probable that the commons in 1539 thought that a similar

<sup>32</sup> 31 Hen. VIII, c. 8, s. i.

<sup>33</sup> *Ibid.*, s. iv. As suggested above, it is possible that the statement that proclamations 'shall be obeyed, observed and kept as though they were made by act of Parliament' formed part of the original bill introduced by Cromwell, while section iv, by which a special court was to be established for the trial of offenders against proclamations, represents an alteration made by the commons.

<sup>34</sup> The chief justices of the King's Bench and Common Pleas and the chief baron of Exchequer.

<sup>35</sup> This analogy to the star chamber is in some respects very striking. For instance, the act of 1487 merely placed on a statutory basis certain powers that the council had long exercised; so the act of 1539 did not deny the right of the Crown to punish offenders against proclamations, but stated that, 'for lack of a direct statute and law to coarct offenders to obey the said proclamations', confusion had arisen, and therefore this power should be put on a statutory basis 'by an ordinary law'.

court could be created to deal with equal success with difficulties which bore a superficial likeness to those of 1487; they failed to perceive that the cause of these difficulties lay really in the greater demands that were now being made on the time of the council and that the remedy they suggested was therefore doomed to failure. That it did fail is clearly shown by the amending act of 34 & 35 Hen. VIII, in which it is declared that offenders oftentimes go unpunished because there 'hath not been present so many of the King's said most honourable Council as be limited and appointed by the same act'; consequently it is enacted that such offenders may be tried by the said council, or any number of them, so long as nine persons be present, whereof the lord chancellor, the lord treasurer, the lord president, the lord privy seal, the chamberlain of England, the lord admiral, and two chief judges shall be two. This amendment was to have force only during the king's lifetime.<sup>36</sup> Whether this reduction in the quorum relieved the situation or not is not known, but it appears exceedingly unlikely that it did so, and in the failure of this special court to justify its existence lies the secret of the repeal of the statute of proclamations on the accession of Edward VI. For this failure to find a remedy for the congestion in privy council business the government is, however, not to be blamed. The act of proclamations was the work of the commons. What Cromwell originally proposed was undoubtedly more drastic, and may have been, as has been suggested above, the enforcement of proclamations in the ordinary common law courts; but this can only be conjectured.<sup>37</sup>

The conclusion that this statute was concerned not at all with the legality of proclamations, but merely with the manner

<sup>36</sup> 34 & 35 Hen. VIII, c. 23.

<sup>37</sup> In a letter of 5 July 1539 to Francis I, Marillac, the French envoy in England, says: 'Several Acts have been passed by Parliament, and will be immediately printed; among others one of great advantage to the King and consequence to his subjects, who without any excuse or delay will be bound to furnish promptly the money which shall be imposed on them by those who have charge of this matter, whenever the King likes to tax them for his requirements, on pain of being held, without further process, attainted of treason. This has been passed with great difficulty, and long debate, and with little pleasure, it seems, of those who have given their consent to it': *Letters and Papers*, xiv i. 1207. There is no other act, except the statute of proclamations, passed by the parliament of 1539, which at all fits this description, and moreover the statute of proclamations and the six articles seem to have been the only two acts whose passage through parliament met with the difficulty which Marillac mentions. As the description of the act can hardly refer to any clause in the six articles, it must apply to the statute of proclamations. The language Marillac uses is nowhere justified by the statute as it at present stands: therefore is it not possible that he has been misled by some account of the effect that it was supposed the original draft of the statute would have had, if it had ever become law? A considerable part of this letter is printed in its original French by Kaulek, *Correspondance de Castillon et Marillac*, pp. 106-8.

of trying offenders against them,<sup>38</sup> is also supported by indirect evidence of very considerable weight, based on an examination of the nature of the proclamations issued by virtue of its authority. It is probable, of course, that some of these have been lost, but the majority of those that survive are collected together in Mr. Steele's *Bibliography of Royal Proclamations*, and it will be found that no proclamation seems to have been issued during the period 1539-47 which might not have been enforced either before the statute of proclamations became law, or after it had been repealed.<sup>39</sup> Therefore it seems exceedingly improbable that this statute increased the validity of proclamations in the slightest degree, for had it done so a king of Henry's character would not have been slow to avail himself of the powers parliament had placed in his hands. As it is, nothing of the sort is visible; there are no further encroachments by the king into the sphere of legislation, no greater limitations placed by proclamation upon the liberty of the subject after the statute had been passed than before. The sovereign does not appear to have considered that his power had been altered in any degree; the repeal of the statute in 1547 consequently made no difference in the exercise of that power. Indeed, under the later Tudors, proclamations are to be found far more arbitrary than any of those that the statute has been supposed to legalize. Under Edward VI 'sowers and tellers abroad of forged tales' were to be committed to the galleys to row in chains during the king's pleasure.<sup>40</sup> Mary ordered by proclamation that possessors of heretical or treasonable books should be regarded as rebels and executed by martial law.<sup>41</sup> Elizabeth used proclamations to

<sup>38</sup> In this connexion it is interesting to note that in a contemporary list of acts passed by the parliament of 1539, the statute of proclamations is merely called 'Breakers of King's Proclamations' (*Letters and Papers*, xiv. i. 1171).

<sup>39</sup> The *Bibliography of Royal Proclamations* is fortunate in possessing an excellent classified index, and it is fairly easy to gather together proclamations dealing with the same subject. In many cases I have found that proclamations have been issued both before 1539 and after 1547 absolutely parallel to ones between those dates. For the great majority of proclamations of the period 1539-47, others are to be found both before and after that period involving the same principles. The very few instances where nothing similar could be found either before 1539 or after 1547 deal with matters of transient importance and involve no extension whatever of the ordinary prerogative. This idea that the enactment and repeal of the statute of proclamations made little difference in the nature of the proclamations issued during this period and that, therefore, the importance of the statute must be exaggerated, is not new, though I have not met with it in print; I believe I first heard it suggested by Mr. Winstanley at Cambridge in 1912; Mr. Pollard enunciated it more definitely at a meeting of the History Circle at University College in 1915.

<sup>40</sup> Strype, ii. 149. Though Mr. Pollard has pointed out that there do not seem to have been any galleys in existence at the time this proclamation was issued, it is possible that sending to the galleys was a mere form of words for the most severe punishment known.

<sup>41</sup> Strype, iii. 459.

place the press under very severe restrictions.<sup>42</sup> Nor did theory lag behind practice. Coke, when he was attorney-general, laid down that 'If any thing be hurtfull or preiudiciall to the common wealth or the state, albeit the same be not prohibite by lawe her Majestie may prohibite the same for the good of her people'.<sup>43</sup> And in commenting on a case before the star chamber in which Coke as attorney-general had taken part a few years earlier, Hawarde says,

the Lord Keeper and others of the Queen's Council, and the Judges also, being so instructed, intend redress for such offences,<sup>44</sup> and many others in the common wealth by the Queen's prerogative only, and by proclamations, councils, orders and letters; and thus their decrees and councils, proclamations and orders shall be a firm and forcible law, and of the like force as the common law or an Act of Parliament.<sup>45</sup>

All this evidence goes to prove that neither the enactment of the statute of proclamations nor its repeal altered the nature or force of royal proclamations in the slightest degree; that the sovereign before 1539 or after 1547 considered himself just as much at liberty to issue proclamations and punish offenders against them as he did between those two dates; in short, that the statute did not in any way give proclamations the force of law. That this is the only possible conclusion must, by now, be obvious, for it has been shown that there was nothing previous to the act which might be used to prove that it was intended to give proclamations the force of law, and nothing in the act itself which necessarily had that effect, while its total absence of result strongly negatives the idea that it so materially increased the royal powers of legislation.

Once this long-standing misconception is removed, the way is left open for a different explanation, and that is found by a careful reading of the statute itself. As I have tried to show, it appears to be nothing more than an attempt to obviate

<sup>42</sup> e. g. in 1566 and 1586: Prothero, *Statutes and Constitutional Documents*, p. lxxii.

<sup>43</sup> Notes by Attorney-General Coke on the prerogative, State Papers, Dom. Eliz., cclxxvi. 81 (1600?).

<sup>44</sup> Of ingrossing and forestalling.

<sup>45</sup> Hawarde, *Les Reportes del Cases in Camera Stellata*, ed. by W. P. Baildon, p. 78, 19 October 1597. Hawarde evidently has strong doubts as to whether proclamations ought to be considered valid in every case, but there are several references in his reports which show that he recognizes that the legal authorities of the day had not the slightest hesitation in enforcing them as 'of higher virtue and force, jurisdiction and preheminance than any positive law, whether it be the common law or statute law' (p. 78). He quotes Lord Chancellor Egerton as saying on 16 October 1607, that 'where the Common state or wealthe of the people or kingedome require it, the kinge's proclamacion bindes as a lawe and neede not stayer a parlemente', though during Bacon's information in this case, Coke, with a mental suppleness which did credit to his powers of self-deceit, if not to his erudition, interjected the dictum, 'Ubi non est lex, ibi non est transgressio' (pp. 328-9).

the congestion of business in the privy council by establishing a definite quorum to deal with offences against proclamations, just as in 1487 a quorum had been set up to try certain other specified crimes. The measure of 1539 failed, therefore it was amended; the amendment could do nothing to patch up a scheme that was based on a misunderstanding of the cause of the trouble, and there is no evidence that any improvement resulted; therefore in 1547 the whole act was repealed, not because Somerset was a lover of liberty,<sup>46</sup> but merely because the scheme suggested had wholly failed to solve the difficulty with which it had to cope.<sup>47</sup>

The whole of these parliamentary proceedings attracted little or no attention from contemporaries. There is certainly a reference to the long debate on the subject in the parliament of 1539,<sup>48</sup> but it should be noted that this debate was concerned with the rejection of the bill originally introduced in the lords, which may have been most arbitrary, and with the elaboration of a new bill to meet the evil of which the government complained; both these would naturally be lengthy and controversial processes. The act as finally passed was substantially that drawn up by the commons; on the way in which it worked there is no contemporary comment, other than that contained in the amending act of 1543; therefore its provisions can hardly have been very oppressive. Finally, its repeal is passed by almost in silence. Had it not been for the fictitious importance conferred upon it by later historians, it would never have emerged from its proper place—that of a rather bungling attempt on the part of the commons to mend the executive machinery, whose flaws they might perceive, but the intricate co-ordination of whose parts they had not as yet sufficient experience to understand.

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<sup>46</sup> He may have been; indeed, Mr. Pollard in his life of Somerset makes out a fairly good case in his favour (pp. 57–61). But Somerset's attitude towards the liberty of the subject is really irrelevant to the question of the repeal of the statute, because by it no one's liberty had been infringed.

<sup>47</sup> It is also possible that the clause in the statute that all proclamations issued by virtue of its power before Edward VI attained the age of eighteen must be signed by those councillors 'as shall be the devisors or setters forth of the same', and who must be at least a majority of the council, had something to do with its repeal. The inconvenience of any such arrangement is obvious. In addition, it should be noted that the amending act of 34 & 35 Hen. VIII became void on the king's death, and that therefore the larger quorum would once more become necessary.

<sup>48</sup> See J. Husee's letter (*Letters and Papers*, xiv. i. 1158) quoted above, p. 35, n. 10.

## *Notes and Documents*

### *An Early Inquest relating to St. Peter's, Derby*

THE passage which follows occurs at the head of a folio in the late thirteenth-century cartulary of Darley abbey.<sup>1</sup> It is interesting as an example of procedure by inquest under the king's writ nearly at the beginning of the reign of Henry II, at a date earlier than the establishment of the possessory assizes. The inquiry may be dated between 1156 and 1159, from the fact that it was held before Rannulf, sheriff of Derby, who entered upon that office at Michaelmas in the former year, and Froger, archdeacon of Derby, who was elected bishop of Séz in 1159. The sworn recognitors number twenty-four, half of them being burgesses of Derby; the remainder include four knights, as many priests, one clerk, and three men of undefined station. The subject of the inquiry was the legal position of the church of St. Peter in Derby; from the verdict that it had been founded in the patrimony of a certain Hugh and his predecessors and that its advowson belonged to them, it may be recognized as a private church of a common burghal type. Four examples of such churches are entered in the Domesday description of Derby. It may be noticed that five only of the twelve burgesses associated in the inquest bore names which are specifically of Scandinavian origin;<sup>2</sup> a higher proportion might be expected in a town which had been a member of the Danish confederation of the Five Boroughs.

F. M. STENTON.

Memorandum quod talis inquisitio facta fuit super ecclesia Sancti Petri in Derbeia<sup>1</sup>. Alanus presbiter de Wilna<sup>2</sup>. Radulfus clericus de Breydesale<sup>3</sup>. Osmerus presbiter de Derbeia. Rogerus presbiter de Marketon<sup>4</sup>. Robertus presbiter de Macworth<sup>5</sup>. Radulfus miles de Merchinton<sup>6</sup>. Robertus miles de Codinton<sup>7</sup>. Ricardus miles de Normanton<sup>8</sup>. Robertus miles de

<sup>1</sup> Cotton MS., Titus C ix., fol. 56.

<sup>2</sup> Ingemund, Eilaf, Colban, Agemund, Steynulf

<sup>3</sup> This sentence is rubricated.

<sup>4</sup> Wilne, in Derbyshire, as are all the other places named, except Marchington.

<sup>5</sup> Breadsall.

<sup>6</sup> Markeaton.

<sup>7</sup> Mackworth.

<sup>8</sup> Marchington, co. Stafford.

<sup>9</sup> This is the 'Codetune' of the Derbyshire Domesday, which lay near Normanton by Derby and Osmaston.

<sup>10</sup> Normanton by Derby.

Osmundeston<sup>9</sup> · Radulfus filius Geremundi · Albertus de Horseleia<sup>10</sup> · Arnwinus de Bolton<sup>11</sup> · et burgenses de Derbeia scilicet Herewardus de ponte · Ingemundus palmarius · Eilaf · Colbanus · Agemundus · Steynulfus · Leuenad · Godwinus · Robertus filius Wlfet · Alanus · Leured · Ordmarus · Isti omnes iureiurando affirmauerunt coram Ranulfo uicecomite et coram Frogero archidiacono Derbeie et coram Petro de Sandiaera<sup>12</sup> iussu regis Henrici filii regine Matildis in domo Hugonis apud Derbeiam ecclesiam Sancti Petri in Derbeia<sup>13</sup> fundatam et edificatam in patrimonio predicti Hugonis et predecessorum eius · et donacionem predicte ecclesie eorum esse et non alterius.

### *The Authorship of the Lanercost Chronicle*

IN a recent number of this *Review*<sup>1</sup> I suggested that Friar Richard of Durham, the author of part of the original of the Lanercost Chronicle, and probably of that part which ends with the year 1297, might possibly be the same as Friar Richard of Slickburn. Two additional facts about the latter, though they do nothing to establish the identification, are not inconsistent with it.

1. Richard of Slickburn was alive in 1297. The latest document concerning him in the Balliol College Archives belongs to 1287. An entry in the Register of Simon of Ghent, bishop of Salisbury, shows that he was alive on 10 September 1302, when he was appointed confessor to Mabel Giffard, abbess of Shaftesbury.<sup>2</sup> Friar Richard was probably at this time residing in the convent at Salisbury. He had very likely left the north owing to the Scottish war.

2. He was the author of a book of *exempla* or a book containing *exempla*. This appears from the following entry in one manuscript of the *Speculum Laicorum* (Brit. Mus., Add. 11284), which dates from the end of the thirteenth or beginning of the fourteenth century. I quote from Father Welter's edition (Paris, 1914), pp. 27-8 :

Refert frater Ricardus de Glikeburne de ordine Minorum quod contingit [*sic*] eum vocari ad unum hominem officio molendinarius, qui iacuerat in ex[s]tasi bene per xxviii dies. Tandem venit ad sensum suum. Qui dixit fratri quod mortuus fuit et precibus b. Benedicti revixit, quod condempnatus fuerat pro peccatis aliquibus non confessis, nec tunc memoriam illorum habuit; addidit, quod b. Benedictus attulerat ei

<sup>9</sup> Osmaston by Derby.

<sup>11</sup> Boulton.

<sup>13</sup> Derby throughout this document is written *Derb*.

<sup>1</sup> *Ante*, vol. xxxi, p. 276.

<sup>2</sup> *Reg. Simonis de Gandavo*, p. 89 (Canterbury and York Society, part xlvi, March 1916); Dugdale's *Monast.*, ii. 473.

<sup>10</sup> Horsley.

<sup>12</sup> Sandiaere.

cedulam in forma heremite. Qui dixit ei: *Voca de conventu propinquiore aliquem fratrem minorum, qui legat tibi cedulam, examinet bene eam, et periculum tuum tibi indicat* [sic]. At ille frater Ricardus vocatus fuit. Qui fecit quod cedulam [dare] noluit alius. Cum lacrimis se dixit illa celsae omnia, que fuerunt usque adeo 12 peccata grandia. Quo absoluto, concessit infirmus se dixisse cotidie unum pater noster in honorem sancti. Et frater: *Ex quo absolutus es, des mihi cedulam*, sed nullo modo hoc voluit.

The text is corrupt and obscure. There is, however, no doubt that Glikeburne is a scribe's error for Slikeburne. Some forms of G and S or g and s are easily confused in hands of the thirteenth and fourteenth centuries (as at other periods). 'Refert' is the word the writer uses in quoting an author: e. g. 'Refert Odo de Seriton', 'Refert Beda', &c. The book of Richard of Slickburn is not known. The Lanercost Chronicle contains many *exempla*, but this story in honour of St. Benedict does not occur in the printed edition as revised by the canons of Lanercost.<sup>3</sup>

A. G. LITTLE.

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*A Papal Tenth levied in the British Isles  
from 1274 to 1280*

THE tenth imposed on clerical income for six years by order of the second council of Lyons in 1274 forms a turning-point in the development of the papal fiscal system. The administration of this tax marked a great advance in the regular organization and control of the collectors by the camera,<sup>1</sup> and many of the methods of assessment and collection then applied remained in use with little change until the end of the middle ages.<sup>2</sup> The history of this tenth in England I have already traced;<sup>3</sup> but there is one source of information so valuable that it deserves to be printed in full. This is the portion of volume 213 of the *Collectoriae*, preserved in the Archives of the Vatican, which relates to the British Isles. The *Collectoriae* are a series of accounts kept by the papal camera for the purpose of recording the work of the tax-collectors.<sup>4</sup> Volume 213, which is one of the

<sup>3</sup> I take this opportunity of correcting two misprints in my previous note: *benedick* and *maledick* on p. 277 should be *Benedicte* and *maledicte*.

<sup>1</sup> Gottlob, *Die päpstlichen Kreuzzugs-Steuern*, pp. 167-87, 248, 249, 252-5.

<sup>2</sup> *Ibid.*, pp. 197, 210, 211, 258; Samaran and Mollat, *La Fiscalité Pontificale en France*, p. 85.

<sup>3</sup> *Ante*, xxx. 398-417.

<sup>4</sup> The *Collectoriae* have been inventoried by de Loye, *Les Archives de la Chambre Apostolique au XIV<sup>e</sup> Siècle*, pp. 119-79. Brief descriptions of the nature of the series are given by Guérard, *Documents Pontificaux sur la Gascogne d'après les Archives du Vatican*, i. xxxiv-vi; Kirsch, *Die päpstlichen Kollektorien in Deutschland*, pp. vii, viii; Haskins, 'The Vatican Archives', *American Historical Review*, ii. 46.

earliest in the series,<sup>5</sup> appears to have been compiled in the early part of the pontificate of Nicholas IV.<sup>6</sup> It contains copies or summaries made by cameral officials of the reports rendered by the collectors<sup>7</sup> and of the commissions and orders issued to them by the papacy.<sup>8</sup> The reports of the collectors in Ireland are not included in the volume, although they were rendered.<sup>9</sup>

W. E. LUNT.

1. *The Collectors in the British Isles.*<sup>1</sup>

fo. 1

In regnis, provinciis, et terris infrascriptis deputati fuerunt per sedem apostolicam decimarum collectores qui inferius nominantur ad colligendum decimam Terre Sancte subsidio deputatam. . . .

Item in omnibus partibus regni Anglie fuerunt deputati superintendentes<sup>2</sup> frater Iohannes de Dorlentine, ordinis predicatorum, nunc archiepiscopus Dumblinensis,<sup>3</sup> et quondam magister Raymundus de Nogeris,<sup>4</sup> prior Sancti Caprasii<sup>5</sup> domini pape cappellanus, qui, veniens ad curiam pro sua ratione reddenda, fuit aliis servitiis ecclesie deputatus, et loco eius substitutus fuit magister Arditio, primicerius Mediolanensis,<sup>6</sup>

<sup>5</sup> According to de Loye, nos. 15, 25, 170, 217, and 240 deal with the same tenth. Nos. 397 and 430 are of earlier date, but they appear to be records of fiscal causes and not collectors' accounts.

<sup>6</sup> Brief descriptions of the manuscript are given by de Loye, p. 146; Munch, *Pavelige Nuntiers Regnskabs- og Dagbøger*, p. 1; Fabre, 'Les Décimes Ecclésiastiques dans le Royaume d'Arles', *Annales du Midi*, iv. 371. For its date it may be observed that when it was written, Bohemond de Vitia, collector in Scotland, was, so far as the cameral officials knew, still alive (see below, pp. 50, 59-61, documents nos. 1, 7), and they must have had knowledge of his death some little time before 16 September 1290, since before that date their English agent had received instructions about the disposal of Bohemond's property (Fryne, *Records*, iii. 430). On the other hand, some of the reports included were rendered at the very close, or soon after the end, of the pontificate of Honorius IV (below, nos. 5, 6).

<sup>7</sup> A list of the collectorates covered by the reports is given by Jordan, *De Mercatoribus Camerae Apostolicae*, p. 76, n. 1. The portions pertaining to the Scandinavian countries, Hungary, and the kingdom of Arles have been printed: Munch, pp. 1-14; *Monumenta Vaticana Historiam Regni Hungariae illustrantia*, Series I, vol. i, pp. 1-10; *Annales du Midi*, iv. 371-80. A report for the first three years of the tenth rendered by the collector in Scotland, a copy of which appears on fo. 51<sup>v</sup> et seq., is edited from the original by Theiner, *Vetera Monumenta Hibernorum*, pp. 109-16. This report is analysed by Mr. Tout in his introduction to *The Register of John de Halton* (Canterbury and York Society), I. xii-xiv. Extracts from documents, nos. 22, 23, 25-7, 33, and the whole of no. 24 printed below, have been published by Re, 'La Compagnia dei Riccardi in Inghilterra e il suo Fallimento alla Fine del Secolo XIII', *Archivio della R. Società Romana di Storia Patria*, xxxvii. 96, 125-32.

<sup>8</sup> Letters of the same kind are entered in the papal registers, but those in the *Collectoriae* do not duplicate those in the registers.

<sup>9</sup> Sweetman, *Cal. of Documents relating to Ireland*, 1285-92, no. 1184.

<sup>1</sup> Munch (pp. 1-4) gives fo. 1 in full.

<sup>2</sup> Their commission is dated 20 September 1274: Bliss, *Cal. of Entries in the Papal Registers*, i. 449.

<sup>3</sup> On John of Darlington see *ante*, xxx. 403. He was appointed archbishop by papal provision of 12 February 1279: Bliss, *Cal.* i. 457.

<sup>4</sup> On Raymond de Nogaret see *ante*, xxx. 402.

<sup>5</sup> St. Caprais in Agen.

<sup>6</sup> He was appointed on or before 12 February 1277: *Le Registre de Jean XXI*, ed. Cadier, no. 106.

et fuerunt ibi continue ad ipsas decimas colligendas, videlicet frater Iohannes per octo et magister Arditio per quinque annos, et tandem magister Giffredus de Vezano eis exitit in officio subrogatus adhuc est ibi.<sup>7</sup>

Item in omnibus partibus Ybernie dominus . . . episcopus Cluanfer-tensis et adhuc est ibi.<sup>8</sup>

Item in omnibus partibus regni Scotie magister Baimundus de Vitiis, canonicus Astensis quondam cappellanus domini Uberti cardinalis, fuit deputatus superintendens, et adhuc est.<sup>9</sup> . . .

2. *Cameral summary of a Report rendered by John of Darlington and Arditio. May 1282.*<sup>10</sup>

RATIO DECIMARUM REGNI ANGLIE

fo. 14

In nomine domini amen. Per rationem receptam de decimis Anglie, per venerabilem virum dominum Berardum, domini pape camerarium, et magistrum Bernardum de Carcasona, domini pape scriptorem cappellanum venerabilis patris domini Iacobi Sancte Marie<sup>11</sup> in Cosmedin diaconi cardinalis, per quendam librum missum per venerabilem patrem fratrem I. de Der-lintona, ordinis predicatorum, archiepiscopum Dumblinensem, et discretum virum, magistrum Arditionem, domini pape cappellanum, superintendentes deputatos ad colligendum prefatas decimas, in quo libro non continentur nisi summe decimarum collectarum in singulis civitatibus et diocesisibus per singulos annos, et per magistrum Phylippum, nepotem dicti magistri Arditionis, procuratorem ipsorum, habentem speciale mandatum ad pre-dicta per litteras dictorum superintendentium sub sigillis eorum, cuius mandati forma continetur in coperculo dicti libri, invenitur, presentibus Rubellato de societate domini Thome Spiliati et Hugonis Spine, Maynetto Raynaldi de societate Pulicum de Florentia, et Thura Bartholomei de societate Bonaventure Bernardini de Senis, mercatoribus camere, que in predicto regno recepta sunt per ipsos pro tempore sex annorum CX<sup>m</sup> VIII<sup>c</sup> LXXXX libre XIII solidi et I quarta sterlingorum.

De quibus sunt expense per collectores singularium episcopatum ipsius regni, computata pecunia per superintendentes collectores pro expensis eorum recepta, et aliis expensis tam in mittendis nuntiis quam in aliis opportunitatibus recollectionis ipsius decime factis, II<sup>m</sup> II<sup>c</sup> VII libre VIII solidi VI denarii et I quarta sterlingorum.

Item solutum fuit mercatoribus de societate domini Thome Spiliati et Ugonis Spine de Florentia pro domino rege Francie de mandato sedis

<sup>7</sup> Geoffrey, who had been collector of other papal dues in England since 1276, succeeded John as collector of the tenth on 7 October 1283: Theiner, *Vetera Monumenta Hibernorum*, p. 126. His successor was not appointed until 16 March 1300: Bliss, *Cal.* i. 588.

<sup>8</sup> Iohannes Italus was then bishop of Clonfert. He was translated to Benevento in 1295: Eubel, *Hierarchia Catholica Medii Aevi*, i. 200.

<sup>9</sup> On Bohemond see Tout's introduction to *The Register of John de Halton*, i. ix, x. He died after 1 September 1289 (*Cal. of Patent Rolls, 1281-92*, p. 321) and before 16 September 1290 (above, p. 50, n. 6).

<sup>10</sup> Below, p. 53, no. 3.

<sup>11</sup> Marie omitted in MS.

apostolice pro medietate decime primi anni VII<sup>m</sup> V<sup>o</sup> XXX libre XI solidi et IIII denarii sterlingorum.<sup>12</sup>

Summa predictarum expensarum et solutorum VIII<sup>m</sup> VII<sup>o</sup> XXXVII libre XIX solidi X denarii et I quarta sterlingorum.

Item de predicta decima recepta facta sunt deposita infrascripta.

Inprimis, in diversis thesaurariis monasteriorum et ecclesiarum Anglie est summa depositorum de moneta veteri XXVIII<sup>m</sup> II<sup>o</sup> XXXVII libre VIII solidi et VIII denarii et obolus sterlingorum veterum.

Item de nova moneta in eisdem thesaurariis VII<sup>m</sup> LXXXIII libre X solidi et V denarii sterlingorum novorum.

Item deposite sunt penes diversos mercatores Ytalie in universo de pecunia dicte decime LVIII<sup>m</sup> VIII<sup>o</sup> LXVIII libre XI solidi et III denarii sterlingorum novorum.

Item penes diversos religiosos III<sup>m</sup> III<sup>o</sup> LXXIII libre et XVIII solidi II denarii et obolus sterlingorum novorum.

Item adhuc restant penes collectores singulorum locorum de pecunia decime recollecta quam debent M III<sup>o</sup> LXXXII libre IIII solidi VI denarii et I quarta sterlingorum novorum.

Summa summarum predictorum omnium depositorum et eorum que restant debita penes collectores CI<sup>m</sup> CLII libre XIII solidi et II denarii et I quarta sterlingorum, de quibus sunt de nova moneta LXXI<sup>m</sup> VIII<sup>o</sup> XV libre IIII solidi et IIII denarii et III quarte sterlingorum novorum, et de veteri moneta XXVIII<sup>m</sup> CCXXXVII libre VIII solidi et VIII denarii et obolus sterlingorum veterum.

Summa summarum tam expensarum et solutorum quam depositorum et debitorum predictorum CX<sup>m</sup> VIII<sup>o</sup> LXXX libre XIII solidi et obolus sterlingorum.

Item extra rationem in dicto libro contentam, magister Phylippus dedit in scriptis quasdam expensas quas asserit factas esse per principales superintendentes collectores tam in nuntiis mittendis pro negotio decime quam in scripturis faciendis et pergameno pro rotulis faciendis et aliis diversis minutis expensis in Anglia et in curia Romana pro toto tempore VI annorum et post dictum tempus usque ad VIII diem mensis Maii anni domini millesimi CCLXXXII, quarum expensarum summa est XVI libre XIII solidi et IX denarii sterlingorum.

Item IIII solidi et II denarii Turonensium grossorum; item II Romanorum grossorum: qui, computatis uno Turonensium pro tribus sterlinis et uno Romanorum pro duobus et dimidio, valent XII solidi et denarii XI sterlingorum.

Summa dictarum expensarum extra rationem ascendit ad XVII libras VII solidos et VIII denarios sterlingorum.

Et sic remanet summa summarum omnium predictarum expensarum, solutorum, depositorum et debitorum CX<sup>m</sup> VIII<sup>o</sup> LXXXIII libre V solidi IIII denarii et obolus sterlingorum.

<sup>12</sup> Gregory X granted half the proceeds of the whole tenth in the first year to Philip III of France: *ante*, xxx. 409.

3. *Cameral summary of a Report rendered by Philip, nephew and agent of Arditio. Late August or early September 1282.*

SECUNDA RATIO

Ratio quam reddidit magister Phylippus pro parte magistri Arditionis, electi Mutinensis, collectoris decime in Anglia, de receptis et depositis ex decima post primam rationem redditam per eundem magistrum Phylippum de mense Maii.

Imprimis reperitur per quaternum sue rationis, quod summa receptorum de areragiis collectis post dictam rationem redditam est III<sup>m</sup> ccv libe vi solidi et vii denarii et i quarta sterlingorum, computatis in ista summa II<sup>o</sup> xxx libris sterlingorum receptis ex decima civitatis et diocesis Sancti David, et ii aliis libris et xv solidis de pecunia veteri.

Item summa receptorum per archiepiscopum Dublinensem et per eundem magistrum Arditionem de restis seu arestationibus que erant penes collectores de quibus reddita fuit alias ratio est III<sup>o</sup> LXXII libe et XVIII solidi sterlingorum.

De predictis areragiis et restis est summa summarum III<sup>m</sup> v<sup>o</sup> LXXVIII libe III solidi et vii denarii et quarta.

De hiis expense facte sunt per mercatores qui dicuntur deportasse pecuniam de mandato collectorum III libe sterlingorum.

Item expense minute facte sunt per collectores superintendentes tam in nuntiis mittendis quam in cartis xxxv solidi et viii denarii sterlingorum.

Summa predictarum expensarum III libe xv solidi et viii denarii sterlingorum.

Item deposite sunt penes diversos mercatores Florentinos, Senenses, et Lucanos III<sup>m</sup> LXXXVIII libe v solidi et xi denarii sterlingorum.

Item penes religiosos in diversis locis III<sup>o</sup> LXXXVIII libe et XVIII solidi et viii denarii sterlingorum.

Summa predictorum omnium depositorum III<sup>m</sup> v<sup>o</sup> LXXVIII libe III solidi et vii denarii sterlingorum.

Unde apparet<sup>13</sup> quod inter expensas et deposita predicta et in ista secunda ratione plus expensum quam receptum i libra xv solidi et viii denarii sterlingorum, que sunt supra proxime deposita.

Dicit magister Phylippus quod magister Arditio dudum arripuit iter de Romana curia ad eundem in Angliam pro negotio recollectionis decime anno domini MCLXXVII, XIII kalendas Aprilis. Et LXXXII, penultima Aprilis, dictus magister Phylippus incepit reddere rationem primam, unde XIII kalendas proxime preterito fuerunt v anni elapsi, et ab ipso tempore citra elapsus est medius annus et plus, propter quod dicit quod debent computari v anni et medius, et debet recipere singulis diebus viii solidos sterlingorum pro suis expensis, que ascendunt per annum ad cXLVI libras et viii solidos sterlingorum, unde pro quinque annis et medio ascendunt fo. 15 ad viii<sup>o</sup> III libras et viii solidos sterlingorum. Qui viii solidi tantum pro uno anno ratione bisesti qui venire potuit infra predictos annos. De quibus idem magister Arditio recepit vii<sup>o</sup> LXI libras vi solidos et viii denarios sterlingorum.

Item recepit LV libras vi solidos et viii denarios sterlingorum a Colino

<sup>13</sup> *apparent, MS.*

Testa de societate Bettulorum de Luca de pecunia quam idem Colinus habebat in deposito. Et sic est summa omnium eorum que recepit pro suis expensis VIII<sup>o</sup> XVI libre XIII solidi et III denarii, et sic recepit plus quam debuerit XIII libras v solidos et III denarios sterlingorum.

Dicit tamen predictus magister Phylippus, quod magister Arditio transfretavit mare pro redeundo in kalendis Iulii proxime preteriti pro negotio electionis sue.<sup>14</sup>

Petit magister Phylippus II solidos sterlingorum per diem a tempore quo recessit de Anglia, quos promiserunt superintendentes pro suis expensis.

Item petit XXV marchas sterlingorum pro labore suo quas deputarunt sibi predicti superintendentes, ut dicit. Et nota quod omnes predictos denarios dicit se recepisse ex causa predicta a mercatoribus.

Item petit pro magistro Ardizione XXXII libras VI solidos et VIII denarios sterlingorum pro restitutione equorum quos ammisit.

Item ratione expensarum episcopatus Londoniensis continetur quod magister Raymundus de Nogeris recepit de pecunia decime pro suis laboris et expensis LXXX libras sterlingorum. Item pro suis expensis gratia apostolice sedis sibi facta, de qua non apparet, recepit XX libras sterlingorum.

Item simili modo frater Iohannes de Dorhucon',<sup>15</sup> qui nunc est archiepiscopus Dublinensis, recepit pro suis laboribus et expensis LXXXXII libras sterlingorum tempore magistri Raymundi predicti. Item recepit ratione gratie sibi facte eodem tempore XX libras sterlingorum. Item recepit postmodum III<sup>o</sup> I libras sterlingorum.

Nota quod de singularibus receptionibus non sit expressio in ratione, et licet per litteras collectorum constet de hiis que recepta sunt per eos, tamen de receptione illorum que in singulis episcopatibus per manus mercatorum sunt habita non constat.

Item nota quod in singulis episcopatibus reperitur per primam rationem redditam solutum esse de decima VI annorum, et tamen multa arreragia, iuxta vulgare ipsius patrie, restant solvenda, de quorum quantitate et numero mentio non habetur.

Item in ratione prima reddita de expensis dicitur in multis episcopatibus quod pro expensis taxatorum et pro minutis expensis tamen utpote in Eboracensi provincia et in pluribus aliis diocesibus, magister Phylippus quod hoc fuit tempore magistri Raimundi de Nogeris et episcopi Viridunensis.<sup>16</sup>

Item dicitur in ratione expensarum Londoniensis episcopatus quod Henrico de Podio de societate Ricchardorum de Luca pro quibusdam expensis factis in curia Romana per Leonem de Guarcino et Iacobum de Mologniano XXV libre XV solidi et VI denarii sunt dati.

Item dicitur quod Riccardo Guiditionis de dicta societate Ricchardorum pro dicto Leone de Guarcino pro expensis in curia factis V libre sterlingorum.

<sup>14</sup> He had been elected bishop of Modena. See the heading of this account.

<sup>15</sup> *Sic.*

<sup>16</sup> The text of this sentence appears to be corrupt. Gerard de Grandson, bishop-elect of Verdun, was appointed to act with Raymond and John on 27 October 1275. On 12 January 1277 he resigned just before leaving England (below, pp. 61, 70). He died in 1278 (*Ann. S. Vitoni Viridunensis, Monum. Germ., Script. x.* 528).

Item dicitur in dicta ratione quod eidem Riccardo pro litteris apostolicis tempore domini Nicolai impetratis, et pro nuntio qui eas portavit tempore domini Martini pape IIII, IIII libre sterlingorum date fuerunt, sed mercatores eius socii dicunt quod non est verum.

Item pro magistro Phylippo xxx libre pro expensis suis factis cundo, morando et redeundo a curia Romana.

Item frater Iohannes de Dorlinton', archiepiscopus Dublinensis, debet habere singulis diebus pro expensis suis IIII solidos et VI denarios sterlingorum, qui ascendunt per annum ad LXIII libras XVII solidos et VI denarios sterlingorum. Item dicitur vacasse per VIII annos pro quibus debet recipere pro suis expensis iuxta rationem predictam v<sup>o</sup> XI libras et VII solidos sterlingorum, computatis duobus bisestis. Et ipse habuit v<sup>o</sup> LXII libras sterlingorum, et sic constat quod habuit plus L libras et XIII solidos sterlingorum.

4. *Cameral summary of a Report rendered by John of Darlington and Geoffrey of Vezzano after 7 October 1283.*<sup>17</sup>

TERTIA RATIO DE DECIMA ANGLIE

fo. 15 v.

Per rationem missam per dictos archiepiscopum Dumblinensem et magistrum Giffredum de Vezano, clericum camere domini pape, prout continetur in quodam sexterno misso ad ipsam cameram sub sigillis ipsorum collectorum et quorundam mercatorum, apparet quod de areragiis collectis post supradictos compotos collecte sunt VIII<sup>m</sup> VIII<sup>o</sup> v libre XIII solidi VI denarii et obolus sterlingorum. De quibus facte sunt expense CLXVIII libre IIII solidi VI denarii et III quarte sterlingorum. Quibus expensis deductis de dicta summa remanent VIII<sup>m</sup> VI<sup>o</sup> XXXVI libre et VIII solidi minus I quarta sterlingorum.

De qua summa deposita sunt apud mercatores diversarum societatum VII<sup>m</sup> VIII<sup>o</sup> L libre XV solidi et IIII denarii sterlingorum. Item penes certos religiosos MCXVI libre X solidi XI denarii et I quarta sterlingorum.

Item remanserunt penes collectores collecta v<sup>o</sup> LVIII libre II solidi VIII denarii et obolus sterlingorum.

Summa pecunie deposite apud mercatores et religiosos et que remansit apud collectores ascendit ad VIII<sup>m</sup> VI<sup>o</sup> XXVI libras et VIII solidos minus I quartam.

Summa summarum predictarum expensarum, depositorum et pecunie que remansit apud collectores ascendit ad VIII<sup>m</sup> VII<sup>o</sup> LXXXV libras XIII solidos et VI denarios et obolum sterlingorum.

Unde facta ratione de receptis predictis ad expensas, deposita, et pecuniam<sup>18</sup> que remansit apud collectores apparet quod plus est receptum x libre quam sit expensum, depositum, et quod remansit penes collectores.

Attendendum est quod in predicto sexterno reperitur<sup>19</sup> quod per dictos collectores superintendentes de pecunia computata in primo computo, que remansit apud collectores, deposite sunt apud thesaurarias et certos

<sup>17</sup> Geoffrey was appointed to succeed John by papal letters of that date: Theiner, *Vetera Monumenta Hibernorum*, p. 126. Since the report is rendered by both, it must have been drawn up at the close of the latter's administration.

<sup>18</sup> pecunia, MS.

<sup>19</sup> reperitur, MS.

mercatores et collectores MCCXXXVIII libre IIII solidi I denarius et III quarte sterlingorum.

Item reperitur in eodem sexterno quod . . archiepiscopus prefatus assignavit Medico Aliocti de societate Mozorum de Florentia de pecunia computata in primo compoto et que deposita fuerat in thesauraria Novi Templi Londoniensis pro residuo medietatis decime primi anni ad conservationem Terre Sancte deputate MVII<sup>o</sup> XXVII libre XIII solidi et I denarius et obolus sterlingorum novorum. Item in veteri moneta v<sup>o</sup> LXXV libre XVII solidi et VIII denarii et obolus sterlingorum, que reducte ad novam sunt v<sup>o</sup> XXXVII libre XVI solidi et VII denarii sterlingorum.

5. *Cameral summary of a Report rendered after 3 June 1286 and probably before 3 April 1287.*<sup>20</sup>

PRIMUS COMPOTUS MAGISTRI GIFFREDI DE VEZANO

Per primum computum missum ad cameram domini pape per solum magistrum Giffredum de Vezano prefatum de partibus Anglicanis constat quod de areragiis dicte decime que non computantur in precedentibus compotis recepit MVII<sup>o</sup> XLVIII libras X solidos et II denarios et quartam sterlingorum, que summa debet additum prima recepta decimarum.

Item in eodem compoto continetur quod idem magister Giffredus recepit de pecunia que remansit penes certos religiosos in Anglia de decima collecta, de qua fuit reddita ratio in primo compoto MCCLXXXIII libras et v denarios sterlingorum.

Item de pecunia que remansit apud certos collectores III<sup>o</sup> LXVIII libras VII solidos VII denarios obolum et quartam sterlingorum.

Item de pecunia que deposita fuerat in thesaurariis certarum ecclesiarum recepit XXVIII<sup>m</sup> v<sup>o</sup> LXXXI libras XIII solidos III denarios obolum et quartam sterlingorum de veteri moneta, que reducte ad pondus remanent XXVI<sup>m</sup> III<sup>o</sup> LXXXVIII libre XI solidi et XI denarii sterlingorum.

Item de nova moneta recepit de dictis thesaurariis v<sup>m</sup> III<sup>o</sup> XLVIII libras XVI solidos VIII denarios et obolum.

Que due summe, tam de veteri moneta ad pondus quam de nova ad numerum, ascendunt ad XXXI<sup>m</sup> VIII<sup>o</sup> XLVIII libras VIII solidos VIII denarios et medallam sterlingorum.<sup>21</sup>

Summa vero summarum predictorum receptorum, tam de areragiis quam de decimis depositis apud certos religiosos et thesaurarias et de pecunia que remansit apud collectores, posito pondere veteris monete pro nova ad numerum, XXXV<sup>m</sup> VII<sup>o</sup> XXIII libre IX solidi et VI denarii et obolus sterlingorum.

fo. 16 De quibus deposite sunt apud certos prelatos et religiosos ut in eodem compoto continetur XIII<sup>m</sup> III<sup>o</sup> XXIII libre et III denarii sterlingorum. Item apud certas societates mercatorum XXII<sup>m</sup> XXXI libre et VII solidi sterlingorum.

De predicta vero summa universali facte sunt expense pro certis nuntiis missis ad curiam Romanam, pro illis qui portaverunt pecuniam de

<sup>20</sup> *Ante*, xxx, 408, n. 81.

<sup>21</sup> Probably these are the deposits brought to the New Temple in 1285 and 1286. See *ante*, xxx, 414.

remotis locis ad Novum Templum, scripturis notariorum,<sup>22</sup> transcriptis instrumentorum, salario pro tribus solidis concessis magistro Giffredo per diem pro certo tempore ut in eodem libro continetur, pro ponderatoribus etiam et aliis minutis expensis CCLXVIII libre II solidi III denarii et obolus sterlingorum.

Unde summa summarum predictorum depositorum et expensarum concordat cum totali recepta predicti compoti.

Et est attendendum quod in fine dicti compoti est quoddam memoriale continens quemdam defectum inventum de depositis thesauriarum contentis in compoto misso per predictos collectores, ad quod depositum investigandum et similiter ad investigandum defectum inventum in deposito Sancti Augustini Cantuariensis et thesaurarie Landavensis idem magister Giffredus laborat et credit recuperare cum adiutorio thesaurarie regie, licet de thesauraria Landavensi nichil dicatur amotum, sed effracta cista in qua erat inde quedam quantitas dicatur furto subtracta, et totus ipse defectus thesauriarum est in pecunia nova et veteri III<sup>o</sup> LXXXV libre XII solidi XI denarii obolus et quarta sterlingorum.

Item est in eodem compoto de quodam errore qui fuit in decima religiosorum de Radingia.<sup>23</sup> Unde ubicumque inveniatur aliquod de dicto errore monasterii de Radingia recurratur ad notam dicti compoti.

Item in prima carta quaterni dicti compoti est qualiter idem magister Giffredus recepit de quibusdam obventionibus Terre Sancte MVI<sup>o</sup> LIII libras V solidos et VIII denarios sterlingorum. Que quantitas est deposita apud diversos religiosos et mercatores ut in eodem compoto continetur.

#### 6. *Cameral summary of a Report probably rendered before 3 April 1287.*<sup>24</sup>

##### SECUNDUS COMPOTUS MAGISTRI GIFFREDI DE VEZANO

Per secundum compotum redditum a magistro Giffredo tamen apparet quod recepit de legatis, obventionibus et debitis Terre Sancte in Anglia, Wallia et Scotia post alium computum, et de his que deposuerat apud duos abbates de obventionibus contentis in primo compoto, in nova moneta VIII<sup>o</sup> LXXV libras II solidos XI denarios et obolum et in veteri moneta ad numerum XXVI libras et II solidos, quas quantitates deposuit apud certas societates ut in dicto compoto continetur.

Item de areragiis idem magister Giffredus recepit MVII<sup>o</sup> XXXVII libras XVIII solidos et IIII denarios, qui debent agregari summe prime rationis.

Item recepit a quibusdam societatibus mercatorum IIII<sup>m</sup> VIII<sup>o</sup> LXX libras XI solidos et III denarios, quas idem magister Giffredus deposuerat apud eos, ut continetur in compoto predicti magistri Giffredi quem misit ad curiam per Iacobum et Guillelmum nuntios suos.<sup>25</sup>

Item recepit idem magister Giffredus de particulis depositis penes quosdam episcopos et religiosos contentos in compoto quem predicti nuntii portaverunt III<sup>m</sup> II<sup>o</sup> LVII libras VI solidos et XI denarios.

<sup>22</sup> *notariorum*, MS.

<sup>23</sup> Geoffrey acknowledged the discovery of this error to the abbot and convent of Reading in a letter dated 3 June 1286: British Museum, Harl. MS. 1708, fo. 215, 216.

<sup>24</sup> *Ante*, xxx. 408, n. 82.

<sup>25</sup> Probably James de Briga and William de Sarzana, whom Geoffrey employed as clerks a decade later: *ante*, xxxi. 110-12.

Item recepit de pecunia deposita penes certas personas, ut continetur in comptis destinatis ad curiam per bone memorie fratrem Iohannem, archiepiscopum Dumblinensem, et magistrum Arditionem, episcopum Mutinensem, et eundem archiepiscopum et magistrum Giffredum prefatum, II<sup>m</sup> CXXXVII libras VIII solidos et VIII denarios.

Item recepit idem magister Giffredus de hiis que remanserant penes certos collectores contentis in comptis<sup>26</sup> ad curiam destinatis XXXVI libras XV solidos et III denarios sterlingorum.

Summa summarum omnium predictorum receptorum, tam pro areragiis decime quam a certis societatibus, episcopis, religiosis et collectoribus de pecunia decime deposita penes eos, est XII<sup>m</sup> XL libre et VII denarii sterlingorum novorum.

De qua summa deposuit penes quatuor societates in ipso computo contentas XI<sup>m</sup> VIII<sup>o</sup> XXV libras XIX solidos et VIII denarios sterlingorum novorum.

fo. 16 v. Item continetur in eodem computo quod dictus magister Giffredus expendit<sup>27</sup> de predicta summa pro expensis nuntiorum quos tempore domini Honorii misit ad curiam cum primo computo, in instrumentis obligationibus et transcriptis depositorum, et pro expensis nuntii missi cum presenti computo, et pro tribus solidis concessis eidem magistro pro expensis factis certi temporis, et pro expensis quorundam nuntiorum quos idem magister Giffredus misit ad regem Anglie, et pro expensis nuntiorum per Angliam et Walliam et in Vasconiam transmissorum, sicut in eodem computo continetur, CXIII libras et X denarios.

Summa summarum omnium predictorum depositorum et expensarum huius secundi compoti est XII<sup>m</sup> XL libre et VII denarii sterlingorum novorum computatis predictis areragiis que debent aggregari summe prime rationis.

Et sic concordant deposita et expense cum recepta predicta.

Summa summarum omnium collectorum ex predictis decimis in Anglia per omnes predictos superintendentes et magistrum Giffredum, computatis areragiis rationum et computorum predictorum collectis post primam rationem missam ad Romanam curiam, ascendit ad CXXVIII<sup>m</sup> III<sup>o</sup> LXXXVIII libras XX denarios et II quartas sterlingorum.

Summa summarum omnium predictarum expensarum factarum per superintendentes collectores et magistrum Giffredum de Vezano predictum clericum camere domini pape ascendit ad XII<sup>m</sup> III<sup>o</sup> LXXVIII libras XII denarios obolum et quartam sterlingorum, computatis VIII<sup>m</sup> VII<sup>o</sup> LXXXVI libris XII denariis et obolo assignatis regi Francie pro medietate decime primi anni.

Unde facta ratione de dictis receptis ad quantitatem expensam et assignatam regi Francie apparet quod deductis dictis expensis et assignatis restant pro Terra Sancta de dictis decimis CXVI<sup>m</sup> X libre et VII denarii obolus et quarta sterlingorum; inter quos sunt de veteri moneta CXXXII libre et XV solidi sterlingorum.

In predictis autem duobus comptis magistri Giffredi continetur quod de aliis obventionibus Terre Sancte preter decimam recepit II<sup>m</sup> III<sup>o</sup> LIII libras VIII solidos et VII denarios et obolum sterlingorum novorum. Et in veteri moneta ad numerum XXVI libras et II solidos sterlingorum. . . .

<sup>26</sup> *compoto*, MS.

<sup>27</sup> *expedit*, MS.

7. *Cameral summary of a Report rendered by Bohemond de Vitia in March 1287.*

RATIO DECIMARUM REGNI SCOTIE

fo. 28

In nomine domini amen. Hec est ratio quam magister Baiamundus de Vitia, canonicus Astensis collector decime Terre Sancte in regno Scotie per sedem apostolicam deputatus, anno domini MCCLXXXVII, pontificatus domini Honorii pape III anno secundo, indictione xv, de mense Martii reddidit in camera domini pape coram domino Berardo, domini pape camerario, de pecunia decimarum ipsarum collectarum per ipsum et collectores deputatos inibi per eundem.

Primo assignat se recepisse in eodem regno pro toto tempore vi annorum quo collectoris vacavit officio de dictis decimis in episcopatu Glasgovenſi collectis et de areragiis earundem decimarum III<sup>m</sup> v<sup>o</sup> LXXV libras III solidos et vi denarios obolum et quartam sterlingorum.

Item in episcopatu Sancti Andree de decimis et areragiis vi<sup>m</sup> v<sup>o</sup> libras et III solidos et obolum sterlingorum.

Item in episcopatu Candide Case de decima et areragiis viii<sup>o</sup> et v libras et xviii solidos sterlingorum.

Item in episcopatu Ergadiensi de decimis et areragiis iii<sup>o</sup> xxv libras et viii denarios sterlingorum.

Item in episcopatu Dumblanensi de decimis vi<sup>o</sup> lvi libras xiii solidos et xi denarios et obolum sterlingorum. Non fuerunt areragia ibidem collecta.

Item in episcopatu Brachensi de decimis iii<sup>o</sup> iii<sup>xx</sup> xiii libras v solidos et iii denarios sterlingorum. Areragia quoque ibidem collecta non fuerunt.

Item in episcopatu Aberdonensi de decima et areragiis mvii<sup>o</sup> libras xi solidos x denarios et obolum sterlingorum.

Item in episcopatu Moraviensi de decima et areragiis miii<sup>o</sup> lv libras xv solidos et x denarios sterlingorum.

Item in episcopatu Rossensi de decimis iii<sup>o</sup> lxxvii libras vii solidos et viii denarios sterlingorum; exceptis areragiis duorum monasteriorum que ponuntur in episcopatu Moravie. Areragia non collegit ibidem.

In episcopatu Catarenſi de decimis clxxxx libras xv solidos et ii denarios et obolum sterlingorum. Non colliguntur ibidem areragia.

Item in episcopatu Dunkeldensi de decimis viiii<sup>o</sup> lxx libras vi solidos et x denarios sterlingorum. Areragia namque non colliguntur ibidem.

Summa summarum omnium predictorum sterlingorum receptorum pro toto tempore supradicto ascendit ad xvii<sup>m</sup> viii<sup>o</sup> li libras ii solidos x denarios et iii ferlingos sterlingorum. Que sunt xxvi<sup>m</sup> vii<sup>o</sup> lxxvi marche viiii solidi vi denarii et iii ferlingi sterlingorum.

Item recepit ultra predictam summam pro contumatiis aliquorum l marchas sterlingorum. Quibus additis prefate summe ascendit [summa]<sup>23</sup> recepta ad xxvi<sup>m</sup> viii<sup>o</sup> xxvi marchas viiii solidos vi denarios et iii ferlingos. De quibus idem magister Baiamundus se pro suo salario pro tempore supradicto et pro aliis vi annis quibus dicit se vacasse negotio collectionis huiusmodi et collectores pro expensis factis in singulis episcopatibus circa dictam decimam asserit recepisse viii<sup>o</sup> xxxiiii libras et xiiii solidos sterlingorum. Que sunt mcclii marche et viii denarii sterlingorum. Quibus expensis

<sup>23</sup> Not in MS.

deductis de totali summa predictorum receptorum de pecunia decimarum, restant XVII<sup>m</sup> XLVIII<sup>m</sup> libre XV solidi VI denarii obolus et quarta sterlingorum.

De quibus receptis idem collector assignat se de mandato sedis apostolice deposuisse penes mercatores de societate domini Thome Spiliati de Florentia pro ecclesia Romana et Terra Sancta, ut quatuor continent instrumenta publica, MIII<sup>c</sup> XLI<sup>m</sup> libras et III<sup>m</sup> denarios et quartam sterlingorum.

fo. 28 v. Item penes mercatores de societate Pulicum et Rimbertainorum de Florentia, ut III<sup>or</sup> instrumenta continent, deposuit MIII<sup>c</sup> XXXVI<sup>m</sup> libras VIII solidos et quartam sterlingorum.

Item penes mercatores de societate Riczardorum de Luca, et quatuor instrumenta continent, deposuit MIII<sup>c</sup> XXXVI<sup>m</sup> libras VIII solidos et quartam sterlingorum.

Item penes mercatores de societate Bonaventurę Bernardini de Senis, ut quatuor instrumenta continent, deposuit MIII<sup>c</sup> XLIII<sup>m</sup> libras XVI denarios et quartam sterlingorum.

Item deposuit penes mercatores earundem quatuor societatum, ut III continent instrumenta publica, pro quarta parte pro qualibet societatum ipsarum inter ipsos quantitatem infrascriptam equaliter dividendam videlicet VII<sup>m</sup> III<sup>c</sup> LVI<sup>m</sup> libras XV solidos et III<sup>m</sup> denarios et quartam sterlingorum.

Summa predictarum quinque particularum ascendit ad XIII<sup>m</sup> CCXIII<sup>m</sup> libras XIII solidos I denarium et quartam sterlingorum. Que sunt XVIII<sup>m</sup> VIII<sup>c</sup> XX<sup>m</sup> marche VI solidi V denarii et quarta sterlingorum. Instrumenta autem de dictis quantitibus habentur in camera.

Item deposuit penes mercatores de societate Circularum de Florentia pro medietate decime primi anni regni Scotie concesse regi Francie MCXXXVII<sup>m</sup> libras XVIII<sup>m</sup> denarios et obolum sterlingorum.

Et sic summa summarum omnium depositorum predictorum factorum penes mercatores suprascriptos ascendit ad XIII<sup>m</sup> III<sup>c</sup> L<sup>m</sup> libras XIII solidos et VII<sup>m</sup> denarios et quartam. Que sunt XXI<sup>m</sup> V<sup>c</sup> XXVI<sup>m</sup> marche XV denarii obolus et quarta sterlingorum computata pecunia medietatis decime primi anni pro rege Francie assignata.

Unde facta ratione de receptis ad deposita seu resignata et expensas remanent adhuc assignande per ipsum collectorem II<sup>m</sup> VI<sup>c</sup> LXV<sup>m</sup> libre XIII solidi et II<sup>m</sup> denarii et obolus sterlingorum.

De quibus assignat se deliberasse magistro Corrado de Villa Franca, ut per sigillum suum et per sigillum magistri Giffredi de Vezano, camere domini pape clerici, asserit apparere litteras, II<sup>m</sup> III<sup>c</sup> LIII<sup>m</sup> libras XII solidos X denarios et obolum sterlingorum depositum continentis.

Item assignat apud monasterium de Melros Cisterciensis ordinis C libras sterlingorum remansisse.

Item penes Andream, rectorem ecclesie de Insula Sancti Bricchi collectorem dicte decime in archidiaconatu Loudoniensi, esse asserit LXXX<sup>m</sup> libras sterlingorum.

Item penes Thomam de Preston, canonicum Dunkeldensem, XXVIII<sup>m</sup> libras sterlingorum.

Summa predictarum quatuor particularum prescripto modo assignatarum verbaliter non effectualiter ascendit ad II<sup>m</sup> VI<sup>c</sup> LXI<sup>m</sup> libras XII solidos et X<sup>m</sup> denarios et obolum. Et sic adhuc remanent assignande III<sup>m</sup> libre XVI denarii et quarta sterlingorum.

Et est attendendum quod idem magister Baiamundus asserit se arripuisse iter de curia eundi ad dictum collectoris officium exercendum anno domini MCLXXIII per VIII dies ante festum Sancti Michaelis, et quamquam reverteretur ad curiam tempore domini Honorii pape ad reddendum huiusmodi rationem, regressus fuit, ea reddita, ad partes illas, et nunc moratur ibidem et dicitur officium exercere.

Set est memorandum quod in mutuo xv<sup>m</sup> vi<sup>o</sup> unciarum auri facto de mandato domini pape clare memorie domino Karolo regi Sicilie apud Castrum Plebis, seu magistro Gerberto de Sancto Quintino et domino Odoni Pelatino, procuratoribus eiusdem regis ad huiusmodi mutuum contrahendum nomine regis prefati, per . . . mercatores camere de domini Thome Spiliati et Lapi Hugonis de Pulicum et Rimbertainorum de Florentia de Ricciardorum de Luca et de Bonaventure Bernardini de Senis societatibus nomine eorumdem de pecunia decimarum Terre Sancte in regno Scotie ac quibusdam aliis partibus collecta fuerunt solute quantitates infrascripte.

Primo dicti mercatores communiter, scilicet, quilibet pro quarta parte autem, videlicet quam pecuniam decimarum ipsarum, de qua dominus papa mutuari mandaverat sub certa forma eorum nomine quantitatem supra dictam ad manus perveniret ipsorum XII<sup>m</sup> II<sup>o</sup> uncias auri in dicto mutuo persolverunt, quibus postmodum dominus papa concessit per suas litteras ut XI<sup>m</sup> III<sup>o</sup> XXXVII marche et VI solidi sterlingorum novorum pro recompensatione dictarum XII<sup>m</sup> II<sup>o</sup> unciarum auri ab eis solutarum, cum eadem decima Scotie, quam eis assignari mandaverat, ad manus ipsorum pervenerint, videlicet cuilibet societatum predictarum pro quarta parte liceat retinere, mandans quod eis interim pro ipsorum securitate decime Alamanie et Portugalie per ipsum camerarium deberent in depositum assignari.

Unde facta ratione de predictis receptis ad expensas et mutua facta de eis, apparet quod restant XIII<sup>m</sup> LXXXVI marche et dimidium et obolus et quarta, si admittantur expense quas dictus Baiamundus retinuit pro XII annis. Si vero non admittentur omnes, tanto plus restabit, quanto de expensis suis diminuitur. Quantitas autem predicta est apud mercatores et in partibus illis, et ipse collector debet aliquid restituere prout superius continetur. . . .

#### DE REGNO ANGLIE

fo. 39

Infrascripte sunt copie transcriptorum litterarum domini Gregorii pape X et domini Innocentii pape V missarum G., electo Viridunensi, magistro Raymundo de Nogeris et fratri Iohanni de Derlinton' ordinis predicatorum super commissione eis facta decime colligende Terre Sancte subsidio deputate, quorum tenor talis est.

8. *Appointment of Gerard de Grandson, Bishop-Elect of Verdun, as General Supervisor of the Collection in England, Wales, and Ireland with powers superior to those given originally to John of Darlington and Raymond de Nogaret.*<sup>29</sup> *Sion,*<sup>30</sup> 27 October 1275.

Gregorius episcopus, servus servorum dei, dilecto filio Girardo, electo Viridunensi, salutem et apostolicam benedictionem. Quanto extimamus

<sup>29</sup> The commission of John and Raymond is printed in the *Register of Walter Giffard* (Surtees Society), pp. 274-6.

<sup>30</sup> *Sion* in the modern canton Valais.

negotium Terre Sancte sollempnius quantoque potius insidet cordi nostro, tanto ad executionem ipsius et eorum que spectant ad ipsum ydoneas magis personas exquirimus, illud specialiter in eorum ydoneitate querentes ut fidelitate ac prudentia vigeant et zelo ferveant ad idem negotium prosequendum. Super hiis autem de persona tua notitia nos plena certificat et fervorem precipue ad prosperum Terre ipsius statum ipsa facti evidentia manifestat, propter quod sollicitudini tue cum fiducia secura committimus quecumque ad promotionem predicti negotii credimus expedire. Cum itaque, approbante sacro generali concilio Lugdunensi, decimam omnium ecclesiasticorum reddituum et proventuum ad Terre prefate subsidium per sex annos a festo nativitatis beati Iohannis Baptiste quod tunc instans pro initio huiusmodi temporis statutum extitit in eodem concilio numerandos duxerimus concedendam, discretioni tue, presentium auctoritate, committimus et mandamus quatinus aliquos viros, ut predicatur ydoneos, eligas, et mutes tam ipsos, quam etiam iam ad huiusmodi ministerium deputatos, in eorum loco alios subrogando quotiens videris expedire, qui prefate decime colligende in partibus Anglie, Wallie, et Ybernie, ad quas te predicto negotio specialiter destinamus, inter eos certis regionibus pro tuo arbitrio terminandis subscripto modo solícite curam gerant. Volumus siquidem ut singuli eorum, in singulis civitatibus et diocesisibus regionis sibi commisse, de consilio locorum ordinarii et duorum fide dignorum de ecclesia cathedrali, quoad non exemptos quoad exemptos, vero de [consilio]<sup>31</sup> aliquorum similium de contrata, deputent duas personas fide facultatibus ac alias ydoneas ad collectionis huiusmodi ministerium exequendum. Collectores vero, quos ut permittitur deputabunt, in forma iurare faciant infrascripta, et ipsi nichilominus regiones easdem circueant diligentius scrutaturi, qualiter in commisso sibi collectionis officio iidem se habeant collectores, qualiter ipsis de decima predicta, quam eos tam pro preteritis terminis quam futuris integre a locis et personis ecclesiasticis exemptis et non exemptis colligere volumus, satisfiat, collectamque per illos ex decima ipsa pecuniam faciant de predictorum ordinarii et aliorum consilio per collectores eosdem in tutis locis vel loco deponi. Prefatis quoque personis a te ut supra exprimitur eligendis mutandi cum consilio predictorum ordinarii et aliorum collectores ipsos quotiens viderint expedire, ac eos compellendi ad reddendam sibi rationem coram eisdem ordinariis et aliis de collectis, et contradictores quoslibet per censuram ecclesiasticam compescendi plenam auctoritate apostolica concedimus potestatem. Et, ut integra proveniat ac temporibus oportunis decime predictae solutio, iidem collectores in omnes predictas personas ecclesiasticas, cuiuscunque conditionis, ordinis vel dignitatis existant, que, directe vel indirecte, publice vel occulte, impedimentum prestiterint, quominus in eiusdem Terre subsidium iuxta ordinationem ipsius concilii<sup>32</sup> decima predicta prestetur excommunicationis et anathematis sententiam in eodem concilio fuisse prolatam, et nichilominus ut eis ignorantie velamen et alterius excusationis cuiuslibet adimatur in omnes memoratas personas ecclesiasticas, que nullo modo vel scienter non integre seu non institutis<sup>33</sup> terminis aut non

<sup>31</sup> Not in MS.

<sup>32</sup> This constitution is edited by Finke, *Konzilienstudien zur Geschichte des 13. Jahrhunderts*, pp. 113-16.

<sup>33</sup> *institutis*, MS.

secundum extimationem deputandarum ad hec personarum decimam ipsam solvent, auctoritate nostra generaliter similem excommunicationis sententiam proferant eas, quas in aliquam illarum incidisse constiterit excommunicatas, usque ad satisfactionem condignam per omnes ecclesias, fo. 39 v. de quibus expedire viderint, singulis diebus dominicis et festivis, pulsatis campanis et candelis accensis, publice nuntiando ac faciendo per alios nuntiari, necnon contradictores per censuram eandem, appellatione postposita, compescendo. Quod si dicte persone ecclesiastice ad ecclesie gremium redire voluerint, absolvendi eas iuxta formam ecclesie, postquam plene de predicta decima et alias sufficienter satisfecerint, et dispensandi cum eis, si sic ligate non abstinerint a divinis, plenam potestatem concedimus collectoribus memoratis. Et ut tam tu et persone ipse a te taliter eligende quam prefati collectores fructuum de vestris laboribus reportetis premissa tibi et eis in remissionem iniungimus peccatorum et nichilominus personas easdem eligendas a te a prestatione decime pro annis illis quibus in premissis laboraverint volumus immunitate gaudere. Preterea memoratas personas a te predicto modo eligendas illius indulgentie peccatorum concedimus esse participes pro devotionis affectu et quantitate laboris, que in cruce signatorum indulgentia generali transfretantibus in Terre prefate subsidium est concessa, et quod persone predictae de pecunia ex ipsa decima colligenda singulis diebus quibus circa premissa vacabunt tres solidos sterlingorum recipiant pro expensis. Ceterum ad instructionem huiusmodi negotii pleniorum volumus, et presentium tibi auctoritate concedimus, ut ea omnia et singula, que personis a te ut premittitur eligendis seu dictis collectoribus in superiori serie committuntur per te ipsum, quotiens opportunum putaveris, valeas exercere. Non obstante si premissa vel aliqua de premissis ab apostolica sede, seu ipsius auctoritate, aliquibus sunt commissa, quos omnes in hac parte tibi volumus obedire, seu, si aliquibus ab eadem sit sede indultum, quod interdici, suspendi vel excommunicari non possint per litteras sedis ipsius, que de indulto huiusmodi ac tota eius continentia de verbo ad verbum et de propriis locorum et personarum nominibus specialem plenam et expressam non fecerint mentionem, sive quibuslibet aliis privilegiis, indulgentiis vel litteris quibuscunque dignitatibus, ordinibus, locis vel personis generaliter aut specialiter sub quacunque forma vel conceptione verborum ab eadem sede concessis, de quibus quorumve totis tenoribus de verbo ad verbum in nostris litteris specialis plena et expressa mentio sit habenda. Volumus quoque quod eedem persone eligende frequenter nobis rescribere studeant quicquid actum fuerit in qualibet eis commissa provincia, tam circa collectores, quam circa collectionem, quantitatem collectam, ipsius depositionem, et locum depositionis ac modum. Et insuper de premissis prudenter et sollicitè prosequendis prestent sacrosanctis evangelis tactis, vel, si persone dignitas id exigat, tantum coram positis, iuramentum. Tu etiam sepefatas eligendas personas prudenter admoneas, ut diligentius attendentes quod in premissis dei negotium prosequuntur, et in conspectu agunt eius qui cuncta discernit, sibi que necnon et nobis, qui circa hec omnem diligentiam adhibere intendimus, rationem reddere tenebuntur, ab utroque pro meritis recepturi, sic prudenter in illis se habere studeant, sic consulte, quod in utriusque iudicio non solum vitent pene confusionisque

discrimina, set laudis mereantur titulos et gratiam, ac retributionis premium consequantur. Forma autem iuramenti quod prestare volumus collectores eosdem hec est. Iuro ego . . a vobis . . , auctoritate apostolica deputatus collector ad exigendum, colligendum et recipiendum decimam omnium reddituum et proventuum ecclesiasticorum ab omnibus personis ecclesiasticis exemptis et non exemptis in . . civitate et diocesi constitutis a sede apostolica pro subsidio Terre Sancte concessam, quod fideliter exigam, colligam, recipiam atque custodiam ipsam decimam, non deferendo in hiis alicui persone, cuiuscunque ordinis, status, conditionis aut dignitatis existat, prece, timore, gratia, vel favore, vel alia quacunque de causa, et eam integre restituam et assignabo, prout a vobis recepero in mandatis. Et super premissis omnibus et singulis plenam et fidelem rationem reddam vobis. Et si contingat vos officium, quod in premissis geritis, dimittere, hec eadem faciam iuxta mandatum illius qui substituatur in eodem officio. Sic me Deus adiuvet et hec sancta evangelia. Datum Seduni, vi kalendas Novembris, pontificatus nostri anno quarto.

fo. 40

9. *Grant of increased powers to the Collectors in England for the purpose of making the valuation.*<sup>34</sup> Beaucaire, 30 August 1275.

Gregorius episcopus, servus servorum dei, dilectis filiis, magistro Raymundo de Nogeris, capellano et nuntio nostro in Anglia, et fratri Iohanni de Derlinton' ordinis predicatorum, salutem et apostolicam benedictionem. Cum vos in regno Anglie collectores decime reddituum et proventuum ecclesiasticorum Terre Sancte subsidio deputate per nostras litteras duxerimus deputandos, ut eo liberius et efficacius commissum vobis in hac parte ministerium exequi valeatis, quo potiori per nos fueritis super hoc auctoritate muniti investigandi de quantitate ipsorum reddituum et proventuum veritatem per iuramenta illorum dicta, quorum ad hoc utilia fore putabitis, vel alio modo quem ad hoc videritis oportum taxandi quoque per vos vel per alios redditus et proventus beneficiorum ecclesiasticorum et maneriorum aliarumque possessionum ad quecunque monasteria sive ecclesias spectantium, de quibus decimas prestari mandavimus, quandocunque vobis videbitur expedire, necnon faciendi de prefatis redditibus et proventibus decimas iuxta huiusmodi taxationem veram integre prout in predictis litteris continetur persolvi, contradictores per censuram ecclesiasticam appellatione postposita conpescendi, non obstantibus aliquibus privilegiis et indulgentiis apostolicis de quibus quorumque totis tenoribus oporteat in nostris litteris fieri mentionem, liberam vobis et vestrum alteri auctoritate presentium concedimus potestatem. Datum Bellicadri, iii kalendas Septembris, pontificatus nostri anno primo.<sup>35</sup>

10. *Grant of additional powers to Gerard.* Sion, 27 October 1275.

Gregorius episcopus, servus servorum dei, dilecto filio G., electo Vir-  
dunensi, salutem et apostolicam benedictionem. Cum te pro negotio

<sup>34</sup> Their original instructions for making the valuation are given in the bull *Cum pro negotio* dated 23 October 1274. See *ante*, xxx. 404, n. 47.

<sup>35</sup> The date should be 'anno quarto', when Gregory was at Beaucaire: Potthast, *Regesta*, pp. 1697-9. It cannot be 'anno primo', since the tenth had not been decreed in 1272.

decime Terre Sancte subsidio deputate ad partes Anglie destinemus, ut tanto utilius et efficacius illud prosequi valeas, quanto plenioris circa id executionis habueris facultatem, tibi quod universos illarum partium archiepiscopos, episcopos, decanos, archidiaconos, abbates, priores, et ceteros ecclesiarum prelatos, ac omnes ecclesiasticas personas et alios etiam, quorum ad hoc iuramentum et instructionem ad veritatis notitiam videris oportuna, possis ad revelandam de ipsorum ecclesiasticorum reddituum, proventuum et obventionum valore annuo iuramento prestito veritatem per censuram ecclesiasticam appellatione cessante compellere, non obstante si premissa vel aliqua de premissis ab apostolica sede seu ipsius auctoritate aliquibus sint commissa, seu si aliquibus ab eadem sit sede indultum quod interdicti, suspendi vel excommunicari non possint per litteras sedis ipsius non facientes plenam et expressam de indulto huiusmodi mentionem, auctoritate presentium concedimus potestatem. Datum Seduni, vi kalendas Novembris, pontificatus nostri anno quarto.

11. *Renewal by Innocent V of the first Commission issued to Gerard by Gregory X. Lateran, 30 April 1276.*

Innocentius episcopus, servus servorum dei, venerabili fratri G., episcopo Viridunensi, salutem et apostolicam benedictionem. Cum olim felicis recordationis Gregorius papa predecessor noster te, tunc electum Viridunensem, ad partes Anglie, Wallie et Ybernie pro Terre Sancte negotio specialiter destinavit, tibi sub certa formâ per suas litteras committendo, ut aliquos viros ydoneos eligeres ad colligendum decimam omnium ecclesiasticorum reddituum et proventuum, quam dictus predecessor, sacro generali Lugdunensi concilio approbante, ad Terre predictae subsidium concesserat per sex annos a festo nativitatis beati Iohannis Baptiste quod tunc instans pro initio huiusmodi temporis statutum exstitit in eodem concilio numerandos, et mutares tam ipsos quam etiam iam ad huiusmodi ministerium deputatos in eorum locum quotiens expedire videres alios subrogando, nos, de circumspectione tua plenam in domino fiduciam obtinentes, presentium tibi auctoritate committimus et mandamus, quatinus in huiusmodi executione negotii auctoritate nostra procedas iuxta traditam ab eodem predecessore per prefatas litteras tibi formam. Datum Laterani, ii kalendas Maji, pontificatus nostri anno primo. fo. 40 v.

12. *Renewal by Innocent V of the second Commission issued to Gerard by Gregory X. Lateran, 30 April 1276.*

Innocentius episcopus, servus servorum dei, venerabili fratri G., episcopo Viridunensi, salutem et apostolicam benedictionem. Cum dudum felicis recordationis Gregorius papa predecessor noster tibi, tunc Viridunensi electo, quem predecessor ipse pro negotio decime Terre Sancte subsidio deputate ad partes Anglie destinavit, quod universos illarum partium archiepiscopos, episcopos, decanos, archidiaconos, abbates, priores, et ceteros ecclesiarum prelatos, ac omnes ecclesiasticas personas et alios etiam, quorum ad hoc iuramentum et instructionem ad veritatis notitiam oportuna videres, posses ad revelandam de ipsorum ecclesiasticorum reddituum,

proventuum et obventionum valore annuo iuramento prestito veritatem per censuram ecclesiasticam appellatione postposita coartare concesserit per suas litteras potestatem, nos, dicti predecessoris vestigiis inherentes, presentium tibi tenore concedimus quatinus circa hoc auctoritate nostra procedas iuxta traditam per prefatas litteras tibi formam. Datum Laterani, II kalendas Maii, pontificatus nostri anno primo.

13. *Cameral copy of a Report sent by the Collectors in England to the College of Cardinals during the vacancy of the Holy See between the death of John XXI on 20 May and the consecration of Nicholas III on 25 November 1277.*

Hec est copia transcripti littere misse sanctissimo collegio cardinalium ex parte magistri Arditionis, primicerii Mediolanensis sedis apostolice capellani, et fratris Iohannis de Derlington' ordinis predicatorum, collectorum decime in regno Anglie.

Sanctissimo Collegio Cardinalium magister Arditio, primicerius Mediolanensis sedis apostolice capellanus, et frater Iohannes de Derlington' ordinis predicatorum, collectores decime in regno Anglie deputati, tam prompte quam debite reverentie famulatum et naviculam beati Petri feliciter gubernare. Studentes iugum nobis a sancta sede apostolica impositum super colligenda in regno Anglie decima Terre Sancte deputata subsidio devotissime tollerare, et circa ea, que ad ipsius pii negotii pertinent progressum felicem, sollicitudinem debitam adhibere, litteras felicitis recordationis domini Iohannis pape XXI, vivente adhuc papa prefato, coram multis prelatiis et clericis secularibus et religiosis Londonie in ecclesia Novi Templi ad hoc per nos vocatis publice legi et insinuari ac earum copiam volentibus fecimus exhiberi, et iuramentum iuxta earundem prestitimus continentiam litterarum, et collectoribus singulis per regnum Anglie deputatis nostras direximus litteras, incitantes instanter eosdem ad ipsius colligende decime officium sollicite exequendum, in quibus expressimus modum exigendi eandem decimam secundum apostolicarum continentiam litterarum.

Subsequenter vero mandatum apostolicum nobis iniunctum, ut primi anni medietatem decime in regno Anglie collecte octo societatibus mercatorum [solveremus<sup>36</sup>] inter eos equaliter dividendam, diligenter executi sumus, excepto quod societatem Clarentinorum de Pystoria absentem partem contingentem, usque quo pro ea legitimus receptor comparuerit, duximus retinendam, intendentes residuum pecunie variis occasionibus nondum exacte de decima primi anni prefati exigere, quantotius iuxta vires, et ipsam inter dictas octo societates equaliter dividere, sicut predictam collectam, nisi nobis a dicta sede secus fuerit intimatum. Et est certum quod de dicta decima recepta subtiliter computata quelibet societas dictarum octo societatum recepit MIII<sup>o</sup> XI marcas XIII solidos et I denarium, excepta dicta societate Clarentinorum que ut supra dicitur fuit absens. Dictorum vero actuum seriem instrumentorum publicorum lectio, que sedi predicte dirigimus, ipsam sedem plenius poterit edocere.

Porro nobis iuxta formam apostolici mandati regnum volentibus Anglie circuire per regem et prelatos Anglie fuit instanter consultum et etiam sub

<sup>36</sup> Not in MS.

quadam protestatione excusatoria nuntiatum, ut cum rex predictus contra Leulinum, principem Wallie, cum ingenti exercitu magnifice dirigat gressus suos, et propter hoc, ipso et baronibus suis quasi à regno Anglie se absentantibus, non sit per regnum Anglie ob malorum insidias diversis partibus se conglobantium pergere nobis tutum, ne usque ad ipsius domini regis redditum per regnum ipsum pergere temptaremus; et quod etiam deposita de pecunia decime in diversis Anglie facta locis, que ad presens propter predictam causam non sunt tuta, in societates mercatorum de Ytalia pro securitate decime velociter transferremus. Quod quidem eorum secuti consilium et suasum, ne, si secus fuerit, quod aliquando contigit etiam in Novo Templo Londonie, ubi fuerunt violata deposita, nobis imputari posset, quantum in nobis fuit, duximus fideliter adimplendum, ita quod dicti mercatores ipsam pecuniam ubicunque fuerit minus tute deposita sumptibus suis querant, et quesitam suo periculo custodiant et custoditam ad mandatum apostolicum seu nostrum quandocunque placuerit sine dilatione restituant, prout in eorum obligationibus quas super hoc penes nos habemus apertius continetur.

Ad hec sedi innotescimus memorate quod in Anglia a pluribus maioribus et minoribus decima solvitur valde male, et contemptibiliter vili penditur ecclesiastica disciplina. Restant enim adhuc valde multa solvenda de decima primi anni, et multa plura de decima secundi anni, et supra modum plura, etiam supra medietatem ut credimus, de decima tertii anni. Et hoc tum propter mutationes circa principales collectores, tum propter varia mandata circa modum exigendi et colligendi, tum propter crebros summorum obitus pontificum, adeo quod nunc non solvendi occasionem querentes asserere non verentur se propter obitum pape ad solvendam decimam non teneri, tum insuper indurationem multorum claves ecclesie contemptentium, qui nec suspensiones nec excommunicationes nec interdicta aut irregularitates metuunt, set tergiversationes querunt, quibus aut in nullo aut non plene solvant decimam supradictam. Nec videmus qualiter in hac parte possit remedium adhiberi nisi per invocationem auxilii brachii secularis, quo mediante a talibus dicta decima valeat extorqueri, prout inceperat agere dominus Viridunensis, aut per privationem beneficiorum quod summe timerent, adeo quod antequam ad executionem procederetur, forsitan ex sola comminatione satisfacerent, ut deberent.

Collectoresque et taxatores actenus per civitates singulas deputati immunitate decime, qua propter ipsum officium gaudent, non contenti, eo quod modica sit quoad plures salarium instanter petunt, dicentes quod propter homines ad eorum hospitia confluentes et propter coadiutores et servientes sustinent magnos sumptus, et quod dominus Viridunensis, qui nuper in regno Anglie officium illud exercuit, tres solidos et dimidiam singulis diebus pro salario percipiendos de decima superintendentibus collectioni et insistentibus taxationi, quod sibi auctoritate licebat apostolica, ordinavit. Sunt etiam nonnulli monachi habentes in suis monasteriis aliqua officia sive obedientias collectores concessi qui immunitatem decime non solvende obedientiarum et officiorum suorum petunt instanter. Alioquin predicti omnes asserunt quod prefatum officium nequaquam de cetero exercebunt, nec speratur quod inveniantur qui in negotio tam odioso suis stipendiis militare voluerint aut servire. Certum est autem,

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prout hec et alia melius novit discretus vir magister Reymundus de Nogeris, quod salaria moderata taxatoribus concedenda mirabiliter valerent Terre Sancte negotio, quia supra modum plura ultra id quod modo potest extorqueri haberentur, quam in salariis expenderetur predictis, quia, si pauperes ad hec officia assumuntur, forsitan necesse habebunt aut de decima furari collecta aut contra colligenda et taxanda accepta mercede fraudem committere in non modicam ipsius decime lesionem. Si vero fuerint mediocres, utpote homines habentes in redditibus annuis circa L vel LX libras aut etiam plus, nolunt tale de cetero subire officium, in quo oporteat eos pro tantille decime sue immunitate duplum aut triplum expendere, et etiam amicorum offensas inimicitias incurrere vicinorum; quod si fuerint ditiores et potentiores, utpote mille librarum aut marcarum in redditibus annuis, tales hii officium alicubi, ut in una tantum diocesi, suscipient et loco suo unum clericum ponent minus forsitan ydoneum ut immunitatem tante sue habeant portionis, que sufficeret in duabus aut tribus diocesibus ad collectorum et taxatorum salaria predictorum. Hec autem omnia satis experti sunt qui se dicto negotio fideliter ingresserunt et hoc ipsum testificantur fide digni qui taxationes et collectiones hactenus factas intenta consideratione viderunt.

Nec silere volumus quod Anglici regulariter omnes tenent, quod quicumque decimam suam solvit infra octavam festi beati Iohannis Baptiste vel Epiphanie, de eo quod in festis nativitatis domini et beati Iohannis Baptiste pro decima est solvendum, ut sufficienter in termino debito sit solutum; et utinam infra octavam saltim solverent quod deberent: propter que omnia et singula supradicta quasi generaliter excommunicationis sententiam et subsequenter irregularitatis incidisse videntur. Et si aliquis, quod quidem rarum est, ad cor humiliter reversus absolutionem et dispensationem devote secundum ecclesie formam petat, ego Arditio non nisi pro preteritis excessibus dumtaxat una vice potestatem habeo absolventi; ego vero frater Iohannes, cui una cum magistro Reymundo absolute licuit auctoritate litterarum apostolicarum ab excommunicationibus absolvere et cum irregularibus dispensare predictis, et cui prefatus magister Reymundus, necnon et dominus episcopus Viridunensis, antequam Angliam exivissent, vices suas libere commiserunt, etiam qua commissione hactenus usus sum adhuc absolventi<sup>37</sup> et dispensandi iurisdictione utor predicta, de fide dignorum ac iuris peritorum consilio, eo quod domini<sup>38</sup> Viridunensis potestas, que supra modum maior erat quam illa que magistro Reymundo et mihi extitit commissa, non dum per litteras apostolicas seu testimonium fide dignorum constat revocata fuisse. Ad hoc insuper faciendum vehementissime me inducit zelus quem gero circa decimam integre colligendam, quia nisi in Anglia esset aliquis qui auctoritate huiusmodi uteretur, fere omnes a decime solutione cessarent, qui propter absolutionem et dispensationem quam post transgressionem obtinent, solvere et satisfacere inducuntur.

Transcriptum autem commissionis mihi facte per dominum Viridunensem hoc est. Venerabilibus in christo patribus archiepiscopis, episcopis, abbatibus, prioribus, rectoribus, vicariis, et omnibus aliis et singulis presentes litteras visuris vel audituris G., permissione divina Viridunensis episcopus,

<sup>37</sup> *absolventi*, MS.<sup>38</sup> *dominus*, MS.

salutem in domino sempiternam. Cum negotium collectionis decime Terre Sancte deputate neonon et predicationis crucis per totum regnum Anglie fratri I. de Derlington' ordinis predicatorum dudum sit ab apostolica sede commissum, nosque iam ad idem negotium ordinandum et promovendum in Anglia, Wallia, Hybernia, Scotia sumus specialiter ab eadem sede transmissi, vobis presentium tenore duximus intimandum, quod dicti fratris potestas quo ad premissa in nullo per nos retractata est aut diminuta, sed potius ampliata in omnibus que committere possumus ad dicti negotii utilitatem et executionis celeritatem. Cum enim oporteat nos propter quedam urgentia negotia sub festinatione mare transire, vices nostras in omnibus dictam decimam ac cruce signationem contingentibus eidem plene presentium tenore committimus. In cuius rei testimonium presentibus litteris sigillum nostrum apponi fecimus. Datum Londonie, die Martis infra octavam Epiphanie, anno domini MCC septuagesimo sexto.<sup>39</sup>

Ad hec noverit vestra paternitas quod in prima commissione facta magistro Reymundo et fratri I. concessa fuit electio trium viarum, ut secundum aliquam illarum solverent decimam in concilio provisam, et una viarum illarum electa nequaquam ad aliam resilirent, qui decimam fo. 42 solvere tenebantur. Unde in primo anno secundum viam conscientie proprie solvere ceperunt, postea autem conscientias proprias sentientes esse gravatas ad viam taxationis se converterunt, adeo quod episcopi et clerus congregati apud Novum Templum Londonie erga dictos magistrum R. et fratrem I. institerunt, quod una cum eis a sede apostolica procurarent, ut via taxationis concederetur eisdem, sine qua vera decima solvi nequiret. Quod et factum est. Cuius taxationis modum et auctoritatem in transcripto littere papalis vestre sanctitati transmittimus. Quem processum huius negotii procuratores prelatorum et cleri Anglie vobis forsitan nequaquam intimarunt. Unde si, secundum tenorem ultimi mandati, a via dicte electionis possint resilire et pro unius cuiusque arbitrio iterum aliam viarum illarum eligere, omnes fere ad viam conscientiarum recurrerent in maximum dicti negotii detrimentum. Qui enim nichil solvunt nec solvere proponunt si possunt, tam graves et tam horrendas cohortiones ut supra tactum est minime verentes, modicum procul dubio offerrent secundum suas conscientias, maxime cum non invenirentur tot factorum suorum examinatores quot sufficerent, ex quo vix haberi possunt in diocesis fideles oblate decime collectores.

14. *Inspeximus by the Vice-Chancellor of the Roman Church of letters issued by Innocent V. Viterbo, 31 August 1276.*

Hec est copia litterarum magistri Petri, sacrosancte Romane ecclesie vicecancellarii, sigillo suo pendenti sigillatarum, in quibus assertit se diligenter inspexisse de verbo ad verbum litteras felicis recordationis domini Innocentii pape quinti sanas integras et non vitiatas sub vero filo et vera bulla sub infrascripto tenore.

Universis presentes litteras inspecturis Petrus, sacrosancte Romane ecclesie vicecancellarius, salutem et sinceram in domino caritatem. Nove-

<sup>39</sup> 12 January 1277.

ritis nos litteras felicis recordationis domini Innocentii pape quinti sanas integras non vitiatas non cancellatas nec in aliqua sui parte corruptas sub vero filo et vera bulla de verbo ad verbum diligenter inspexisse, quarum tenor talis est.

15. *Mandate of Innocent V for the reception and entertainment of Gerard de Grandson. Lateran, 30 April 1276.*

Innocentius episcopus, servus servorum dei, venerabilibus fratribus archiepiscopis et episcopis, et dilectis filiis electis, abbatibus, prioribus, decanis, prepositis, archidiaconis, archipresbyteris, plebanis, et aliis ecclesiarum prelati, et eorum vices gerentibus, ac ecclesiasticis personis religiosis, et aliis ecclesiarum capitulis et conventibus, exemptis et non exemptis, Cisterciensis, Cluniacensis, Premonstratensis, sanctorum Benedicti, Augustini, ac aliorum ordinum, necnon magistris et preceptoribus militiae Templi et Hospitalis Sancti Iohannis Ierosolimitanensis et Beate Marie Theotoniorum et Calatravensis, ad quos littere iste pervenerint, salutem et apostolicam benedictionem. Cum dudum felicis recordationis Gregorius papa predecessor noster vobis suis dederit litteris in mandatis, ut venerabilem fratrem nostrum G., episcopum, tunc electum Virdunensem, quem pro quibusdam ecclesie Romane negotiis trans mittebat, quorum executioni adhuc insistit, cum per vos et loca vestra transitum faceret, ob reverentiam apostolice sedis et suam recipientes benigne ac honeste tractantes eundem sibi de securo conductu et necessariis suis pro quolibet die in decem et octo solidis sterlingorum, necnon in evectionibus oportunis, si sue in via decederent vel deficerent in eundo, morando et redeundo, curaretis liberaliter providere: nos, ipsius predecessoris vestigiis inherentes, universitatem vestram rogamus et hortamur, attente per apostolica vobis scripta mandantes, quatinus eidem G. in premissis providere curetis iuxta litterarum continentiam earundem. Alioquin sententiam quam ipse rite tulerit in rebelles ratam habebimus et faciemus auctore divino usque ad satisfactionem condignam, appellatione remota, inviolabiliter observari, non obstante si aliquibus est ab eadem sede indultum, quod legatis vel nunciis sedis ipsius aliquam procuracionem exhibere vel in ipsa contribuere, nisi ad eos declinaverint, minime teneantur, seu quod interdicti, suspendi vel excommunicari non possint per litteras apostolicas, que de indulto huiusmodi totoque tenore ipsius plenam et expressam non fecerunt mentionem, seu aliquibus privilegiis vel indulgentiis quibuscunque personis, locis vel ordinibus sub quavis forma verborum ab eadem sede concessis, de quibus quorumque totis tenoribus in nostris litteris similis mentio sit habenda, et per que presens mandatum nostrum quomodolibet valeat impediri. Datum Laterani, 11 kalendas Maii, pontificatus nostri anno primo.

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16. *Another copy of no. 11.*

17. *Renewal by Innocent V of Gregory X's Commission to Gerard de Grandson to collect the Tenth in Scotland [the same as no. 11, with 'ad partes Scotie' substituted for 'ad partes Anglie, Wallie et Ybernie'].*

18. *Another copy of no. 12.*

19. *Renewal by Innocent V of the Commission given to Gerard by Gregory X to preach the crusade in England. 30 April 1276.*

Innocentius episcopus, servus servorum dei, venerabili fratri G., episcopo Virdunensi, salutem et apostolicam benedictionem. Cum dudum fo. 43 felicis recordationis Gregorius papa predecessor noster tibi, tunc Virdunensi electo, quem predecessor ipse pro negotio Terre Sancte ad partes Anglie destinavit, ut illud efficacius prosequi posses officium predicandi in eisdem partibus verbum crucis in subsidium Terre Sancte, cum omnimoda potestate, que circa id auctoritate sedis apostolice aliis eiusdem crucis predicatoribus est concessa, per suas litteras duxerit committendum, nos, dicti predecessoris vestigiis inherentes, presentium tibi tenore committimus, quatinus circa hoc auctoritate nostra procedas iuxta traditam per prefatas litteras tibi formam. Datum Laterani, II kalendas Maii, pontificatus nostri anno primo.

20. *The same as no. 19 [with 'ad partes Scotie' substituted for 'ad partes Anglie'].*

In cuius rei testimonium presentibus nostrum sigillum duximus apponendum. Datum Viterbii, II kalendas Septembris, apostolica sede vacante, anno domini millesimo ducentesimo septuagesimo sexto.

21. *Notarial record that the Collectors, on 17 May 1277, at the church of the New Temple in London, published four letters of John XXI and took an oath prescribed for them in one of the letters.*

Hoc est exemplum cuiusdam publici instrumenti, inter alia continentis iuramentum, quod in Anglia prestiterunt magister Ardito et frater Iohannes, scripti manu Petri Raynaldi de Vallecimaria Camerinensis diocesis, cuius tenor talis est.

In nomine domini amen. Anno a nativitate eiusdem millesimo ducentesimo septuagesimo septimo, indictione v, die septima decima Maii, in presentia mei notarii et testium subscriptorum, convocatis per discretos viros, magistrum Ardicionem, primicerium Mediolanensem capellanum domini pape, et fratrem Iohannem de Derlinton' ordinis predicatorum, collectores decime in regno Anglie deputatos, . . decano Londoniensi, . . archidiacono Colleestrie in ecclesia Londoniensi, . . priore Westmonasterii, . . officiali . . episcopi Londoniensis, . . priore de Suwerk Wintoniensis diocesis, . . priore et . . thesaurario Novi Templi Londonie, pro infradictis explicandis, et, ipsis ac multis aliis clericis presentibus in ecclesia Novi Templi Londonie, predicti magister Ardito et frater Iohannes publice legi fecerunt et publicari tres litteras sanctissimi patris domini Iohannis pape vicesimi primi editas pro negotio decime subsidio Terre Sancte in regno Anglie deputate, quarum due dirigebantur eisdem magistro et fratri, in una quarum continentur querimonie quedam facte per procuratores cleri regni Anglie et forma cuiusdam iuramenti quod dicti magister et frater prestare debent, que incipit post salutationem *in nostra* et finitur sub tali data, *datum Viterbii, II idus Februarii, pontificatus nostri anno primo.*<sup>40</sup> Alia littera est principalis super decima et incipit post salutatio-

<sup>40</sup> 12 February 1277. For the letter see *Le Registre de Jean XXI*, no. 106.

fo. 43 v.

nem *quanto extimamus* et finitur sub tali data, *datum Viterbii, XV kalendas Martii, pontificatus nostri anno primo.*<sup>41</sup> Tertia vero littera dirigitur tantum eidem magistro Arditiōi et continentur in ea querimonie facte per procuratores cleri regni Anglie, et auctoritas data eidem magistro super absoluteione excommunicatorum hac vice et dispensandi super irregularitate et iurisdictione cognoscendi contra quosdam, que incipit post salutationem *in nostra* et finitur sub tali data, *datum Viterbii, idibus Februarii, pontificatus nostri anno primo.*<sup>42</sup> Fuit etiam lecta quedam alia littera eiusdem domini pape que dirigitur prelati regni Anglie pro recommendatione dicti magistri. Insuper fuit lectum quoddam instrumentum publicum factum per Raynerium de Reate, apostolice sedis auctoritate publicum notarium, in quo continetur quoddam sacramentum quod dictus magister Arditiō fecit occasione huiusmodi negotii in manu venerabilis patris domini Iacobi, Sancte Marie in Cosmedyn diaconi cardinalis, de mandato eiusdem domini pape recipientis. Quibus sic publice lectis et publicatis, iidem magister Arditiō et frater Iohannes tactis sacrosanctis evangeliiis corporaliter publice iuraverunt secundum formam traditam in dictis litteris apostolicis ibi lectis et publicatis. Actum Londonie in ecclesia Novi Templi, presentibus magistro Giffredo de Vezano, canonico Cameracensi clerico camere domini pape, Phylippo de Comite, canonico Sancti Georgii in palatio Mediolani, Corrado de Villafranca, nepote dicti magistri Giffredi, et aliis pluribus testibus ad hoc vocatis specialiter et rogatis. Et ibidem incontinenti coram predictis testibus prefati collectores predictarum litterarum copiam eam habere volentibus obtulerunt.

Et ego Petrus Raynaldi de Vallecimaria Camerinensis diocesis, auctoritate apostolica publicus notarius, predictis omnibus interfui, et ut supra legitur rogatus scripsi, et publicavi, et meum signum apposui.

22. *Cameral copy of a Report on the Tenth of the first year rendered by the Collectors in England. New Temple, London, 1 June 1277.*

Hoc est exemplum cuiusdam publici instrumenti scripti manu predicti Petri Raynaldi notarii de computo decime primi anni in regno Anglie recepte, cuius tenor talis est.

In nomine domini amen. Anno a nativitate eiusdem millesimo ducentesimo septuagesimo septimo, indictione quinta, die prima Iunii, magister Arditiō, primicerius Mediolanensis domini pape capellanus, et frater Iohannes de Derlinton' ordinis predicatorum, collectores decime Terre Sancte in regno Anglie a sede apostolica deputati, volentes que in quibusdam litteris sanctissimi patris domini Iohannis pape XXI pro infrascripto continentur negotio directis eisdem exacta diligentia observare et peragere reverenter, rationem primi anni decime deputate subsidio Terre Sancte in regno Anglie recepte per dictum fratrem Iohannem et discretum virum magistrum Raymundum de Nogeris, capellanum domini pape, ac venerabilem patrem dominum G., episcopum Viridunensem, antequam dictus episcopus de regno Anglie discessisset, super quibusdam rotulo et quaterno, quos dictus frater Iohannes asseruit sibi dictum dominum episcopum, quando recessit de Anglia, dimisisse, continentibus

<sup>41</sup> 15 February 1277. See *Le Registre de Jean XXI*, no. 103.

<sup>42</sup> 13 February 1277. See *ibid.*, no. 104.

receptionem eis de dicta decima factam plenarie fecerunt, et subtiliter computarunt per providos viros Raynerium Maiarii de Luca de societate Ricciardorum, Fredericum Doni de societate filiorum Bonsignoris de Senis, et Fulconem de societate Scottorum de Placentia, mercatores, et repertum quod in infradictis episcopatibus tam in civitatibus quam in diocesisibus ipsorum episcopatum recepte fuerant infradictae summe de decima primi anni.

Inprimis de episcopatu et diocesi Londoniensi MCCCLXXX libere et XII solidi. Item de episcopatu et diocesi Herefordensi CCLXXXVII libere X solidi et VIII denarii. Item de episcopatu et diocesi Lichefeldensi VI<sup>o</sup> VII libere XIII solidi I denarius et obulus. Item de episcopatu et diocesi Saresbiriensi MLXXII libere XVIII solidi III denarii et obulus. Item de episcopatu et diocesi Roffensi CLXXXIII libere VI solidi et XI denarii. Item de episcopatu et diocesi Elyensi V<sup>o</sup> XII libere VII solidi X denarii et I ferlingus. Item de episcopatu et diocesi Wytoniensi MCLVIII libere XVIII solidi VIII denarii et obulus. Item de episcopatu et diocesi Norwycensi MCXX libere XVIII solidi VIII denarii obulus et ferlingus. Item de dicto episcopatu et diocesi VI<sup>o</sup> LXXVII libere et quatuor solidi. Item de episcopatu et diocesi Cicestrensi fo. 44 V<sup>o</sup> L libere XIII solidi et I denarius. Item de episcopatu Lincolnensi MCCCCLXXXVI libere XVI solidi II denarii et obulus. Item de dicto episcopatu et diocesi Lincolnensi VI<sup>o</sup> XLVIII libere V solidi I denarius et obulus. Item de episcopatu et diocesi Cantuariensi VIII<sup>o</sup> LXXXVI libere IX solidi et II denarii. Item de episcopatu et diocesi Wygorniensi VI<sup>o</sup> LXVII libere XV solidi III denarii et ferlingus. Item de episcopatu et diocesi Exoniensi CCLXVIII libere XIII solidi VIII denarii et ferlingus. Item de episcopatu et diocesi Dunelmensi VIII<sup>o</sup> LXI libere VI solidi V denarii obulus et ferlingus. Item de episcopatu et diocesi Carleolensi CCLXXV libere VIII solidi IX denarii et ferlingus. Item de episcopatu et diocesi Eboracensi MMCLXXII libere XV solidi VI denarii et obulus. Et quod summa summarum predictorum episcopatum dicti totius primi anni predictae decime recepte ascendit XXII<sup>m</sup> V<sup>o</sup> LXXXI marcas IX solidos y denarios et obulum. Medietas ascendit XI<sup>m</sup> CCLXXXV marcas XI solidos III denarios obulus et ferlingum. Pars vero quam quelibet societas mercatorum octo societatum de quibus in litteris apostolicis mentio habetur expressa ascendit pro qualibet societate MCCCXI marcas XIII solidos et I denarium.

Et tunc dictus frater Iohannes dixit quod dicta summa recepta fuerat ut in dictis rotulo et quaterno continetur tantum per ipsum et dictos capellanum et episcopum. Et quod in multis locis Anglie apud diversos homines erat pecunia de dicta decima primi anni collecta, que pecunia ad dictos dominum episcopum, fratrem Iohannem et magistrum Raymondum non pervenerat. Et quod erant adhuc multa areragia in diversis locis et personis in regno Anglie de hiis que debent adhuc recipi pro decima primi anni, de quibus decima<sup>43</sup> et areragiis non potuit fieri nec est facta ratio, set quameito fieri poterit diligenter fiet, et dante deo circa hoc negotium adimplebuntur que fieri debebunt iuxta litterarum apostolicarum continentiam et tenorem.

Dicta ratio reddita fuit et alia omnia et singula supradicta acta et dicta fuerunt coram venerabilibus patribus, dominis episcopis Londoniensi, Wytoniensi, et Roffensi, ac discretis et honorandis viris, dominis . . decano

<sup>43</sup> MS. *denario*

Londoniensi et . . archidiacono Colleestrie in ecclesia Londoniensi. Testes ad hoc vocati specialiter et rogati fuerunt isti, magister Giffredus, canonicus Cameracensis clericus camere domini pape et ipsius domini pape in Anglia nuntius specialis, Phylippus de Comite, canonicus Sancti Georgii in palatio Mediolanensi, capellanus venerabilis patris domini Iacobi Sancte Marie in Cosmedin diaconi cardinalis, et magister Benacius, rector ecclesie de Berton', Elyensis diocesis. Actum Londonie in domo Novi Templi.

Et ego Petrus Raynaldi de Vallecimaria Camerinensis diocesis, auctoritate apostolica publicus notarius, hiis omnibus interfui, et ut supra legitur rogatus scripsi, et publicavi, et meum signum apposui.

23. *Record of the Assignment of the Proceeds of the first year's Tenth to firms of Cameral Merchants. New Temple, London, 3 June 1277.*

Hoc est exemplum publici instrumenti assignationis predicte pecunie primi anni mercatoribus facte, cuius tenor talis est.

In nomine domini amen. Anno a nativitate eiusdem millesimo ducentesimo septuagesimo septimo, indictione quinta, die tertia intrante Iunio, magister Arditio, primicerius Mediolanensis domini pape capellanus, et frater Iohannes de Derlinton' ordinis predicatorum, collectores decime Terre Sancte in regno Anglie a sede apostolica deputati, volentes que in quibusdam litteris sanctissimi patris domini Iohannis pape vicesimi primi pro infradicto continentur negotio exacta diligentia observare et peragere reverenter, reddita iam ratione coram venerabilibus patribus Londoniensi, Wyntoniensi et Roffensi episcopis, . . decano Londoniensi, ac aliis pluribus prelati de decima deputata subsidio Terre Sancte primi anni recepta per venerabilem patrem dominum G., episcopum Viridunensem, magistrum Raymundum, domini pape capellanum, et fratrem Iohannem de Derlinton' ordinis predicatorum, collectores decime in regno Anglie a sede apostolica deputatos, prout continentur in publico instrumento per me infrascriptum notarium die Martis proximo preterito facto,<sup>44</sup> assignaverunt de denariis decime predicte, maxime de hiis qui erant in scrinio quodam in thesauraria Novi Templi depositi, Bartholomeo Marchi et Frederico Doni, mercatoribus de societate filiorum Bonsignoris de Senis, nomine suo et dicte societatis mille quadringentas undecim marcas tredecim solidos et unum denarium. Item Raynerio Maiarii, mercatori Lucano de societate Ricciardorum, suo nomine et dicte societatis tantundem. Item Iacobo Agulanti, mercatori Pistoriensi de societate Amannatorum, suo nomine et ipsius societatis tantundem. Item Hugolino de Vichio, mercatori Florentino de societate illorum de Scala, suo nomine et dicte societatis tantundem. Item Maynetto Beky, mercatori Florentino de societate Mozorum, suo nomine et dicte societatis tantundem. Item Duratio Uberti,<sup>45</sup> mercatori Florentino de societate Publicum et Rambertinorum, nomine suo et dicte societatis tantundem. Et dictam quantitatem assignaverunt mercatoribus predictis, qui detulerant litteras sanctissimi patris domini Iohannis pape XXI super dicto negotio directas eisdem magistro Arditioni et fratri Iohanni, quia dicta ratione reddita inventum fuit quod quelibet societas octo societatum, que in dictis litteris apostolicis continentur

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<sup>44</sup> Above, no. 22.

<sup>45</sup> Uberti, MS.

expresse, habere debet predictam quantitatem, scilicet mille quadringentas undecim marchas tredecim solidos et unum denarium de medietate decime primi anni recepte per predictos venerabilem patrem episcopum, Raymondum, et fratrem Iohannem, exceptis et salvis denariis qui pro predicta decima sunt recepti per diversos alios collectores regni Anglie, qui denarii nondum pervenerunt in predictos episcopum, magistrum R., et fratrem Iohannem, nec aliquem eorum, ut dictus frater Iohannes dixit, et areragius dicti primi anni, de quibus reddetur ratio quancito fieri poterit, et quod in dictis litteris apostolicis continetur dante deo adimplebitur diligenter. Et tunc dictum scrinium habens tres seraturas cum tribus clavibus, unam quarum habebat thesaurarius Novi Templi predicti, aliam dictus frater Iohannes, tertiam vero idem frater Iohannes habebat in quadam bursa sigillata sigillo episcopi supradicti; quod sigillum amovit dictus frater Iohannes et clavem que erat in dicta bursa consignavit predicto magistro Arditioni. Et computati fuerunt in dicto scrinio septuaginta septem sacculi mediocres et magni et unus parvus et una fonda clausa in quibus erant ut dicebatur sterlingi, set non fuerunt aperti; tunc incontinenti dictum scrinium fuit clausum cum dictis tribus clavibus, quia dictus thesaurarius, sine quo dicta pecunia numerari non poterat, dixit quod nullo modo ad presens poterat personaliter remanere et insistere ac esse presens numerationi predictae pecunie, quia oportebat eum personaliter ire apud Dinesle <sup>46</sup> ad capitulum generale ordinis Templariorum regni Anglie, et postquam redierit de ipso capitulo dixit quod libenter erit presens numerationi dicte pecunie. Que omnia et singula acta et dicta fuerunt in presentia venerabilium patrum Londoniensis et Roffensis episcoporum, et honorabilium virorum Thome de Cani, Gaufridi de Mortuomari, archidiaconi Londoniensis, magistri Rogeri de Laleya, archidiaconi Exessie in ecclesia Londoniensi, et fratris G., thesaurarii dicte domus Novi Templi, dicto domino episcopo Wintoniensi se ad partes tunc alias absentante pro quibusdam suis arduis negotiis, ut dixit magister Petrus, archidiaconus Sureye in ecclesia Wintoniensi, qui dixit se venisse loco sui. Interfuerunt ibi testes vocati specialiter et rogati Iterus, clericus domini regis, magister Giffredus, canonicus Cameracensis camere domini pape clericus, magister fo. <sup>45</sup> Benacius, rector ecclesie de Berton', Elyensis diocesis. Actum Londonie in thesauraria <sup>47</sup> Novi Templi.

Et ego Petrus de Vallecimaria Camerinensis diocesis, apostolica auctoritate publicus notarius, hiis omnibus interfui, et ut supra legitur rogatus scripsi, et publicavi, et meum signum apposui.

24. *Record of Advice given to the Collectors by several English Prelates concerning the placing of deposits during the Welsh war. New Temple, London, 3 June 1277.*

Hoc est exemplum publici instrumenti consilii <sup>48</sup> prelatorum super assignanda dicta pecunia decime mercatoribus per magistrum Arditionem, primicerium Mediolanensem domini pape capellanum, et fratrem Iohannem de Derlinton' ordinis predicatorum, collectores decime Terre Sancte in regno Anglie a sede apostolica deputatos.

<sup>46</sup> Dinsley Temple, Hertfordshire.

<sup>47</sup> thesauraria, MS.

<sup>48</sup> concilii, MS.

In nomine domini amen. Anno a<sup>49</sup> nativitate eiusdem millesimo ducentesimo septuagesimo septimo, indictione quinta, die tertia intrante Iunio, in presentia mei notarii et testium infrascriptorum, reverendi patres . . . Londoniensis et Roffensis episcopi<sup>50</sup> et honorabiles viri, magister Thomas, decanus, magister Gaufridus de Mortuomari, archidiaconus Londoniensis, magister Rogerus de Laleya, archidiaconus Exessie in ecclesia Londoniensi, magister Petrus de Sancto Mario, archidiaconus Sureye in ecclesia Wintoniensi, et frater G., thesaurarius Novi Templi, ad instantiam et consultationem factam eis per magistrum Arditionem, primicerium Mediolanensem domini pape capellanum, et fratrem Iohannem de Derlinton' ordinis predicatorum, collectores decime Terre Sancte in regno Anglie a sede apostolica deputatos, unanimiter dixerunt, quod videbatur eis et credebant, quod deposita de decima collecta pro subsidio Terre Sancte que sunt Londonie et in aliis civitatibus sive locis regni Anglie non sunt tuta et quod iacent in magno periculo, consulentes quod dicta decima et pecunia deposita amoveantur, et secundum magis et minus pro arbitrio ipsorum magistri Arditionis et fratris Iohannis distribuatur et concedatur inter societates mercatorum qui sunt in Anglia prout quelibet societas estimatur maior et ditior et securior, saltem usque ad reditum domini regis sub periculo cuiuslibet societatis, et etiam inter omnes alias societates pretulerunt societatem Ricciardorum de Luca et postea Scottorum de Placentia et ad hoc reddiderunt rationes infrascriptas. Quia tutius videtur committere mercatoribus pecuniam decime per eos servandam ac restituendam quam eam in abbatiis aut in ecclesiis cathedralibus ubi nunc est dimittere seu aliam deponere maxime dum dominus rex fuerit in expeditione sua in partibus Wallie. Una ratio ad hoc est quod huiusmodi pecunia in locis ubi nunc residet prout communiter creditur et asseritur in tuto non est; alia quod eam ducere de loco in locum propter predones qui in insidiis congregati delatas pecunias rapere solent periculosum est; item alia quod in abbatiis et ecclesiis cathedralibus depredationes sepius fieri solent, eo quod habitantes in eisdem nimis simplices sunt ac debiles et inhermes; item alia quod dum dictus dominus rex est in expeditione sua maiorem assument predones audaciam, eo quod milites et alii viri strenui, qui pro conservatione pacis laborare solent, erunt cum ipso domino rege in dicta expeditione sua; item alia quod mercatores satis sunt solvendo ut creditur et poterit promptius dicta pecunia ab eis repeti quam si esset in manibus prelatorum seu religiosorum qui ea utentur si forte sibi eo modo servanda et restituenda committeretur. Hee et alie sunt rationes que ad hoc movent. Verumtamen ex huiusmodi rationibus que satis omnibus apparent seu ex consilio huiusmodi nolunt episcopi vel prelati teneri. Interfuerunt ibi testes vocati specialiter et rogati magister Giffredus, canonicus Cameracensis clericus camere domini pape, Phylippus de Comite, canonicus Sancti Georgii in palatio Mediolani, magister Benacius, rector ecclesie de Berton', Elyensis diocesis. Actum Londonie in thesauraria Novi Templi.

fo. 45 v.

Et ego Petrus de Vallecimaria Cameracensis diocesis, auctoritate apostolica publicus notarius, predictis omnibus interfui, et ut supra legitur rogatus scripsi, et publicavi, et meum signum apposui.

<sup>49</sup> MS. A for Anno a.<sup>50</sup> episcopis, MS.

25. *Notarial Record of payments made by the Collectors to firms of Cameral Merchants. New Temple, London, 15 June 1277.*

Hoc est exemplum publici instrumenti de receptione pecunie decime quam fecerunt mercatores in LXXVII saccis et de protestatione quadam facta per magistrum Arditionem et fratrem Iohannem suprascriptos, cuius tenor talis est.

In nomine domini amen. Anno a nativitate eiusdem millesimo ducentesimo septuagesimo septimo, indictione quinta, die quinta decima Iunii, in presentia mei notarii et testium subscriptorum, Bartholomeus Marchi de societate filiorum Bonsignoris de Senis recepit in XIII saccis mille CCC marcas. Item Bonianninus Phylippi de societate Bernardi Scoti de Placentia recepit in XIII saccis mille CCC marcas. Item Lotharius Bonaguide de societate illorum de Scala habuit in X saccis mille CCC marcas. Item Maynetus Beky de societate Mozorum de Florentia habuit in X saccis mille CCC marcas, et de pecunia que superfuit in fonda duas marcas. Item Durantus Uberti de societate Pulicum et Rambertinorum de Florentia habuit in XI saccis mille CCC marcas. Item Raynerius Maiarii de societate Ricciardorum de Luca habuit in X saccis magnis et in uno parvo sacco et una fonda mille CCCXI marcas XIII solidos et I denarium et sic recepit plene partem sibi assignatam. Item Iacobus Agulantis de societate Ammanatorum de Pistoria habuit in X saccis mille CCC marcas. Predicti denarii soluti mercatoribus predictis ut superius continetur reperti fuerunt et non plures in septuaginta septem saccis magnis et uno parvo sacco et in una fonda de corio, qui sacci et fonda erant in scrinio thesaurarie Novi Templi, quod fuerat clausum cum tribus seraturis et tribus clavibus, unam ipsarum clavium custodiebat frater Iohannes, aliam Guarinus, thesaurarius Novi Templi Londonie, tertiam magister Arditio, quam dictus frater Iohannes eidem magistro Arditioni tradiderat, quam eidem fratri Iohanni dominus episcopus Viridunensis in quadam bursa sigillata sigillo ipsius episcopi dimiserat, ut dicebat dictus frater Iohannes. Item dicti magister Arditio et frater Iohannes in presentia dictorum thesaurarii et mercatorum dixerunt et publice protestati fuerunt quod per eos non remanserat quin assignaverint mercatoribus de societate Clarentinorum de Pistoria iuxta <sup>51</sup> formam litterarum apostolicarum partem contingentem ipsam societatem et quod parati erant dictam partem assignare, si aliquis appareret cui deberet de iure et secundum formam litterarum apostolicarum assignari. Testes ad hoc vocati specialiter et rogati fuerunt magister Giffredus de Vezano, canonicus Cameracensis, clericus camere domini pape, et ipsius in Anglia nuntius specialis, Phylippus de Comite, canonicus Sancti Georgii in palatio Mediolanensi, capellanus venerabilis patris domini Iacobi Sancte Marie in Cosmedin diaconi cardinalis, et frater Guarinus, thesaurarius Novi Templi Londonie. Actum Londonie in domo Novi Templi.

Et ego Petrus de Vallecimaria Camerinensis diocesis, auctoritate apostolica publicus notarius, hiis omnibus interfui, et ut supra legitur rogatus scripsi, et publicavi, et meum signum apposui.

fo. 46

<sup>51</sup> *iusta*, MS.

26. *The Cameral Merchants' Bond for the security of the sums paid to them by the Collectors after the death of John XXI. New Temple, London, 15 June 1277.*

Hoc est exemplum publici instrumenti obligationis suprascriptorum mercatorum de conservando indempnes predictos magistrum Ardicionem et fratrem Iohannem propter assignationem et solutionem eis factam de pecunia decime suprascripta, cuius tenor talis est.

In nomine domini amen. Anno a nativitate eiusdem millesimo ducentesimo septuagesimo septimo, indictione quinta, die quinta decima Iunii. Cum magister Ardicio, primicerius Mediolanensis domini pape capellanus, et frater Iohannes de Derlinton' ordinis predicatorum, collectores decime Terre Sancte in regno Anglie a sede apostolica deputati, reddidissent rationem coram quibusdam episcopis et aliis prelati decime deputate subsidio Terre Sancte primi anni recepte per ipsum fratrem Iohannem et magistrum Raymundum de Nogeris, capellanum domini pape, ac venerabilem patrem dominum G., episcopum Virdunensem, collectores olim decime memorate, ut continetur in instrumento per me infrascriptum notarium facto prima die presentis mensis Iunii,<sup>52</sup> ac ipsa ratione reddita assignaverint certis mercatoribus septem societatum scilicet pro qualibet societate mille quadringentas undecim marcas tredecim solidos et unum denarium, prout in instrumento per me infrascriptum notarium tradito tertia die presentis mensis Iunii,<sup>53</sup> antequam rumor aliquis Londonie fuerit de obitu sanctissime memorie domini Iohannis pape XXI,<sup>54</sup> et cum numeratio et solutio dictorum denariorum fieri debent et facta fuerunt, prout de dicta solutione constat per instrumentum per me infrascriptum notarium hodie factum,<sup>55</sup> rumor invaluerit et increbuerit de obitu eiusdem domini pape; et propter hoc dicti magister Ardicio et frater Iohannes voluerint sibi providere, Raynerius Maiarii de Luca, mercator de societate Ricciardorum, nomine suo et societatis predicte ad instantiam et petitionem dictorum magistri Ardicionis et fratris Iohannis convenit et per sollempnem stipulationem promisit prefatis magistro Ardicioni et fratri Iohanni et utrique illorum insolidum se plene facturum et curaturum quod dicti magister Ardicio et frater Iohannes et uterque illorum occasione solutionis et dationis dicte pecunie nullum dampnum vel dispendium vel detrimentum incurrant, et quod ipse mercator conservabit prefatos magistrum Ardicionem et fratrem Iohannem et utrumque illorum insolidum indempnes a papa si quis nunc est et a futuro et a collegio cardinalium et a quolibet cardinalium, quotienscunque et quandocunque contingeret quod ipsi vel aliquis predictorum gravarent vel molestarent tam in iudicio quam extra iudicium vel quomodolibet modo prefatos magistrum Ardicionem et fratrem Iohannem vel alterutrum eorum occasione predicta, pro quibus omnibus et singulis plene et inviolabiliter attendendis et observandis idem mercator obligavit se, bona sua et dicte societatis eisdem magistro Ardicioni et fratri Iohanni et utrique illorum insolidum. Item Bartholomeus Marchi de societate filiorum Bonsignoris de Senis pro se et societate sua similem per

<sup>52</sup> Above, no. 22.

<sup>54</sup> He died on 20 May.

<sup>53</sup> Above, no. 23.

<sup>55</sup> Above, no. 25.

omnia promissionem et obligationem fecit predictis magistro Arditioni et fratri Iohanni. Item Iacobus Agulantis de societate Ammanatorum de Pistoria pro se et societate sua similem per omnia promissionem et obligationem fecit predictis magistro Arditioni et fratri Iohanni. Item Bonianninus Phylippi de societate Bernardi Scoti de Placentia pro se et societate sua similem promissionem et obligationem fecit predictis magistro Arditioni et fratri Iohanni. Item Lotherius Bonaguide de societate illorum de Scala de Florentia pro se et societate sua similem per omnia promissionem et obligationem fecit predictis magistro Arditioni et fratri Iohanni. Item Durantus Uberti de societate Pulicum et Rimbertainorum de Florentia pro se et societate sua similem per omnia promissionem et obligationem fecit predictis magistro Arditioni et fratri Iohanni. Item Maynetus Beky de societate Mozorum de Florentia similem per omnia promissionem et obligationem fecit predictis magistro Arditioni et fratri Iohanni. Testes ad hoc vocati specialiter et rogati fuerunt magister Giffredus de Vezano, canonicus Cameracensis clericus camere domini pape et ipsius in Anglia nuntius specialis, Phylippus de Comite, canonicus Sancti Georgii in palatio Mediolanensi capellanus venerabilis patris domini Iacobi Sancte Marie in Cosmedin diaconi cardinalis, et frater Guarinus, thesaurarius Novi Templi Londonie. Actum Londonie in domo Novi Templi. fo. 46 v.

Et ego Petrus de Vallecimaria Camerinensis diocesis, auctoritate apostolica publicus notarius, hiis omnibus interfui, et ut supra legitur rogatus scripsi, et publicavi, et meum signum apposui.

27. *Acknowledgement by the firms of Cameral Merchants of the receipt from the Collectors of the sums above recited. New Temple, London, 15 June 1277.*

Hoc est exemplum publici instrumenti confessionis dictorum mercatorum pro se et qualibet sua societate de mille quadringentis undecim marcis XIII solidis et uno <sup>56</sup> denario, cuius tenor talis est.

In nomine domini amen. Anno a nativitate eiusdem millesimo ducentesimo septuagesimo septimo, indictione quinta, die quinta decima Iunii. In presentia mei notarii et testium subscriptorum confessus et contentus fuit Raynerius Maiarii, mercator de societate Ricciardorum de Luca, suo nomine et dicte societatis se habuisse et recepisse ac sibi datos, solutos et numeratos fuisse a magistro Arditione, primicerio Mediolanensi domini pape capellano, et fratre Iohanne de Derlinton' ordinis predicatorum, collectoribus decime in regno Anglie Terre Sancte subsidio deputate mille quadringentas undecim marcas tredecim solidos et unum denarium bonorum et legalium sterlingorum pro parte dictam societatem contingente de medietate decime primi anni subsidio Terre Sancte deputate, que medietas inter ipsam societatem et septem alias societates mercatorum equaliter dividenda assignari debuit, prout in litteris apostolicis predictis magistro Arditioni et fratri Iohanni directis plenius continetur, exceptioni non numerate solute ac date pecunie et doli exceptioni ac cuilibet alii iuris et facti vel consuetudinis auxilio omnino renuntians.

Item Bartholomeus Marci de societate filiorum Bonsignoris de Senis

suo nomine et dicte societatis similem per omnia confessionem et renuntiationem fecit. Item Iacobus Agulantis de societate Amannatorum de Pistoria suo nomine et dicte societatis similem per omnia confessionem et renuntiationem fecit. Item Bonianninus Phylippi de societate Bernardi Seoti de Placentia suo nomine et dicte societatis similem per omnia confessionem et renuntiationem fecit. Item Lotherius Bonaguide de societate illorum de Scala de Florentia suo nomine et dicte societatis similem per omnia confessionem et renuntiationem fecit. Item Durantus Uberti de societate Pulicum et Rimbertainorum de Florentia similem per omnia confessionem et renuntiationem fecit. Item Maynetus Beky de societate Mozorum de Florentia similem per omnia confessionem et renuntiationem fecit.

Testes ad hoc vocati specialiter et rogati fuerunt magister Giffredus de Vezano, canonicus Cameracensis clericus camere domini pape et ipsius in Anglia nuntius specialis, Phylippus de Comite, canonicus Sancti Georgii in palatio Mediolanensi capellanus venerabilis patris domini Iacobi Sancte Marie in Cosmedin diaconi cardinalis, et frater Guarinus, thesaurarius Novi Templi Londiniis. Actum Londonie in domo Novi Templi.

Et ego Petrus de Vallecimaria Camerinensis diocesis, auctoritate apostolica publicus notarius, hiis omnibus interfui, et ut supra legitur rogatus scripsi, et publicavi, et meum signum apposui.

28. *Report rendered by Arditio and John of Darlington, containing the statement of an Appeal to the Pope by the abbot of Westminster against the assessment placed upon his income and of the proceedings of the Collectors thereon. Blackfriars, London, 19 January 1279.*

fo. 47

Hoc est exemplum cuiusdam publici instrumenti sanctissimo patri domino N. summo pontifici transmissi ex parte magistri Arditionis, primicerii Mediolanensis ipsius domini capellani, et fratris Iohannis de Derlinton' ordinis predicatorum, collectorum decime Terre Sancte subsidio deputate in regno Anglie et eorum sigillis sigillati, in quo continetur quidam libellus appellatorius, quem dominus abbas Westmonasterii eisdem collectoribus optulit, appellans pro eo quod noluerunt facere cum eo concordiam auctoritate litterarum, quas bone memorie, Sabinensis episcopus, et venerabilis pater, dominus Iacobus, Sancte Marie in Cosmedin diaconus cardinalis, ipsis mandaverunt de triginta libris sterlingorum annuatim, cuius instrumenti tenor talis est.

Sanctissimo patri domino N., divina providentia sacrosancte Romane ecclesie summo pontifici, Arditio, primicerius Mediolanensis, suorum minimus capellanorum, et frater Iohannes de Derlinton' ordinis predicatorum, collectores decime deputate subsidio Terre Sancte in regno Anglie a sede apostolica constituti, devotissima pedum oscula beatorum. Sanctitati vestre facimus manifestum quod venerabilis vir R., abbas Westmonasterii, capellanus vester, per procuratores suos coram nobis quendam libellum appellatorium legi fecit, cuius tenor talis est.

Coram vobis et a vobis magistro Arditione, primicerio Mediolanensi, domini pape capellano, et fratre Iohanne de Derlinton' ordinis predicatorum, collectoribus in regno Anglie decime Terre Sancte subsidio deputate a

sede apostolica constitutis, nos, frater Adam, archidiaconus Westmonasterii, et magister Emanuel, archidiaconus Cremonensis, procuratores venerabilis patris domini R., dei gratia abbatis Westmonasterii domini pape capellani, cum paratus fuerit ipse dominus abbas et nos procuratores ipsius vobiscum componere et simus super decima reddituum ipsius et provenituum de quibus deductis deducendis decimam ipsam predicto subsidio solvere tenetur, iuxta formam litterarum bone memorie B., Sabinensis episcopi, et venerabilis patris, domini I., Sancte Marie in Cosmedin diaconi cardinalis, super huiusmodi compositione facienda vobiscum super decimis reddituum eorundem de speciali mandato domini pape concessarum domino abbati prefato, et obtulerimus vobis quantum decima dictorum reddituum ascendere poterat annuatim uno anno alterum adiuvante per litteras eiusdem domini abbatis suo sigillo signatas, in quibus inter cetera continebatur, quod, inquisitis diligenter per eum et alios redditibus suis omnibus, ex quibus deductis deducendis predictam decimam solvere tenebatur, eorundem reddituum non ascendebat decima annuatim uno anno alterum adiuvante pro preteritis annis ultra quadraginta quinque marcas, nec etiam tantum, et hec vobis in sua conscientia intimabat et de ipsis decimam paratus fuerat et erat solvere, facta compositione inter vos et eum iuxta formam dictarum litterarum concessarum eidem, et ipsis litteris domini abbatis vobis exhibitis et per vos lectis et inspectis, compositionem facere non curaveritis vel nolueritis seu recuseritis, nosque fuerimus protestati quod per ipsum dominum abbatem, nec per nos procuratores eius, stabat quominus ipsa compositio fieret inter vos et ipsum iuxta formam litterarum ipsarum sibi concessarum, set per vos potius, timentes ex verisimilibus coniecturis ne per vos vel aliquem vestrum ad aliquod procedatur in eiusdem abbatis preiudicium et gravamen. Idcirco ne ad aliquam sententiam excommunicationis seu interdicti vel suspensionis proferendam in eum vel declarandam ipsum aliqua sententia innodatum vel denuntiandum, vel denuntiationes seu publicationes faciendum, vel ad aliquid aliud attemptandum, presumendum, vel faciendum contra eum per vos vel alium seu alios quomodolibet procedatis, procuratorio nomine pro eodem domino abbate dictam sedem apostolicam in scriptis provocamus et appellamus et apostolos instanter et instanter petimus, supponentes dictum dominum abbatem monasterium et iura eius sub eiusdem sedis protectione.

Quo libello nobis oblato die quarta decima Ianuarii taliter fuimus fo. 47 v. protestati et diximus: nos magister Arditio et frater Iohannes, collectores decime in regno Anglie a sede apostolica deputati, oblato nobis libello appellatorio per magistrum Emanuelem, archidiaconum Cremonensem, et fratrem Adam, archidiaconum Westmonasterii, procuratores domini R. abbatis Westmonasterii, eius nomine in presentia dictorum procuratorum dicimus et protestamus quod per nos non remansit nec remanet quin fecerimus compositionem cum dicto abbate iuxta tenorem litterarum dominorum cardinalium secundum verum valorem fructuum ecclesiasticorum ipsius abbatis, et parati sumus, si dictus abbas vult, facere inquisitionem secundum tenorem litterarum apostolicarum et iustitiam et equitatem de predicto vero valore et procedere et agere cum dicto domino abbate super hoc prout iustum et equum fuerit. Nec quantum

ad compositionem faciendam conscientie dicti abbatis, que continetur in quadam cedula sigillata sigillo dicti abbatis, quam dicti procuratores optulerunt, consentire possumus, cum quantitas in dicta cedula contenta, scilicet triginta librarum, sit minor medietate veri valoris sicut credimus et asseritur a fide dignis, maxime cum venerabilis pater, dominus Iacobus, Sancte Marie in Cosmedin diaconus cardinalis, dixerit mihi fratri Iohanni in curia Romana viva voce, quod nunquam fuit intentionis pape vel sue sive quondam domini B., episcopi Sabinensis, qui super huiusmodi compositione litteras suas miserunt nobis magistro Arditio et fratri Iohanni, ut compositionem aliquam faceremus que esset minor vero valore. Quibus sic prolatis prefigimus terminum peremptorium eisdem procuratoribus nomine dicti abbatis ut die Iovis circa horam prime compareant coram nobis ad audiendum responsionem nostram super libello predicto appellatorio et super apostolis petitis. Unde cum dictus dominus episcopus Sabinensis viam sit universe carnis ingressus, dicto negotio imperfecto, et interpretatio dicte commissionis ac totius dicte decime ordinatio ad vestram pertineat sanctitatem, predictis procuratoribus presentibus, et per eos predicto domino abbati prefiximus terminum peremptorium, ut infra spatium trium mensium dominus abbas per se vel per legitimum procuratorem cum litteris dictorum dominorum cardinalium et cum omnibus munimentis ad ipsum negotium pertinentibus coram vestra beatitudine comparere procuret, auditorus et facturus quicquid vestra clementia super hiis duxerit ordinandum. Nec tacere possumus quod dictus abbas sub pallio sive confidentia dicte compositionis faciente decimam ipsum contingentem prout debuit secundum statutum concilii Lugdunensis et aliarum litterarum apostolicarum super solutione decime editarum solvere non curavit. Nec propter hoc dictus abbas se abstinet a divinis; immo eis se ingerit sicut prius.

Acta et lecta fuerunt suprascripta in presentia supradictorum procuratorum Londonie in domo fratrum predicatorum, anno ab incarnatione domini millesimo ducentesimo septuagesimo octavo, indictione septima, die nona decima mensis Ianuarii, presentibus fratre Willelmo, priore Sancti Augustini Cantuariensis, fratre Ricardo de Averlande de ordine predicatorum, magistro Thoma de Meonia, capellano domini Norwicensis episcopi, Willelmo de Lodelao, clerico, et aliis pluribus testibus ad hoc vocatis specialiter et rogatis. In cuius rei testimonium predicti venerabiles viri magister Arditio et frater Iohannes huic publico instrumento sua sigilla iusserant apponi.

Et ego Petrus de Vallecimaria Camerinensis diocesis, auctoritate apostolica publicus notarius, supradictis omnibus interfui, et ut supra legitur ad preces dictorum magistri et fratris scripsi, et publicavi, meoque signo consueto signavi.<sup>57</sup>

29. *Further proceedings of the Collectors in the same case. Blackfriars, London, 30 January 1279.*

Hoc est exemplum cuiusdam publici instrumenti in quo inter alia continetur quod venerabiles viri magister Arditio, primicerius Mediola-

<sup>57</sup> A facsimile of the notarial mark follows in the manuscript.

nensis domini pape capellanus, et frater Iohannes de Derlinton' ordinis predicatorum, collectores decime in regno Anglie prout poterant auctoritate litterarum bone memorie B., episcopi Sabinensis, et venerabilis patris domini I., Sancte Marie in Cosmedin diaconi cardinalis, parati erant facere compositionem cum venerabili patre domino R., abbate Westmonasterii, ut solveret decimam pro valore reddituum quingentarum librarum sterlingorum annuatim, quam compositionem dictus abbas noluit acceptare, dicens quod fructus sui non valebant tantum nec umquam habuit ultra illam summam pro qua obtulit se soluturum decimam, scilicet triginta librarum sterlingorum annuatim, cuius instrumenti tenor talis est.

In nomine domini amen. Anno incarnationis domini millesimo ducesimo septuagesimo octavo, indictione VII, die lune penultima die Ianuarii, in ecclesia fratrum predicatorum Londonie in presentia mei notarii et testium subscriptorum. Cum venerabiles viri magister Arditio, primicerius Mediolanensis domini pape capellanus, et frater Iohannes de Derlinton' ordinis predicatorum, collectores decime in regno Anglie a sede apostolica deputati, amicabiliter tractarent cum venerabili patre domino R., abbate Westmonasterii, super compositione facienda cum eodem de decima persolvenda ab eo, prout poterant auctoritate litterarum bone memorie B., episcopi Sabinensis, et venerabilis patris domini I., Sancte Marie in Cosmedin diaconi cardinalis, asserentes eidem domino abbati quod ipsi salvis conscientiis eorum non poterant descendere ad faciendum compositionem cum eo de triginta libris sterlingorum annuatim, pro quibus triginta libris dictus dominus abbas optulit se compositionem facturum secundum suam conscientiam, ut dicebat, prout continetur in libello appellatorio oblato eisdem collectoribus per procuratores domini abbatis et plures tractatus super huius compositione facienda fuissent habiti, tandem iidem collectores deliberate dixerint eidem domino abbati quod ipsi parati erant facere compositionem secum, ut solveret decimam pro valore reddituum quingentarum librarum sterlingorum annuatim, et quod nullo modo salvis conscientiis eorum poterant descendere nec volebant de quantitate predicta quingentarum librarum, quam compositionem dictus abbas noluit acceptare, dicens quod fructus sui non valebant tantum nec unquam habuit ultra illam summam pro qua optulit se soluturum decimam, et quod ipse secundum verum valorem non poterat solvere nec volebat ultra triginta libras, quas optulit, et finaliter dixit quod pro toto tempore in summa et non annuatim volebat addere viginti marcas, non pro eo quod bona sua ascenderent ultra summam oblatam, sed ut redimeret laborem suum. Testes interfuerunt rogati venerabiles viri magister Giffredus, canonicus Cameracensis camere domini pape clericus, magister Bonetus de Sancto Quintino, et frater W. de Norwico ordinis predicatorum, et plures alii.

Ego, Iacobus de Briga publicus notarius, predictis interfui rogatus, et hanc cartam scripsi, et publicavi, et meo signo signavi, et rasuram feci in illa dictione W'.<sup>58</sup>

<sup>58</sup> i. e. the *W* in the phrase 'frater W. de Norwico'.

30. *Report rendered by John of Darlington and Arditio. London, 5 February 1279.*

Hoc est exemplum quarundam litterarum transmissarum sanctissimo patri domino N., sacrosancte Romane ecclesie summo pontifici, ex parte predictorum magistri Arditionis et fratris Iohannis, in quibus continetur status decime et quid egerunt prefati magister et frater post receptionem litterarum domini pape, quarum litterarum, scilicet dicto summo pontifici transmissarum, talis est tenor.

fo. 48 v. Sanctissimo patri domino N., dei gratia sacrosancte Romane ecclesie summo pontifici, Arditio primicerius Mediolanensis suorum minimus capellanorum, et frater Iohannes de Derlynton' ordinis predicatorum, collectores decime in regno Anglie a sede apostolica deputati, devotissima pedum oscula beatorum. Sanctitatis vestre litteris cum debita reverentia circumspectis, ea que in ipsis continentur adimplere studiosius cupientes omni mora postposita ipsas litteras, tam in ecclesia cathedrali Londonie quam in ecclesia Novi Templi Londonie, vocatis et presentibus multis clericis regularibus, secularibus, et prelatis, publicavimus easque legi fecimus et earum copiam exhibuimus quibuscunque, ac tunc secundum earum tenorem in unamquamque personam ecclesiasticam regni Anglie, cuiuscunque ordinis, conditionis, vel dignitatis existat, que decimam ipsam nullo modo vel non integre, scienter aut non, secundum extimationem deputandarum a nobis vel ab aliis de mandato sedis apostolice ad hoc personarum, sive non in terminis constitutis, scilicet in festo nativitatis domini et in festo beati Iohannis Baptiste singulis annis usque quo decime concessio perdurabit, exhiberit, seu in illius exhibitione malitiam adhibuerit sive fraudem, excommunicationis sententiam in scriptis auctoritate apostolica promulgavimus. Et excommunicationem quam felicitis recordationis dominus G. papa decimus in generali concilio Lugdunensi tulit in omnes et singulos qui scienter prestarent impedimentum directe vel indirecte, publice vel occulte, quominus decime predictae solveretur subsidium publicavimus, et omnes et singulos qui predictam excommunicationem incurrerunt, campanis pulsatis et candelis accensis excommunicatos esse publice nuntiavimus, et precepimus eos usque ad satisfactionem condignam, tamquam excommunicatos ab omnibus artius evitari. Et postmodum litteras nostras, continentes predictarum litterarum apostolicarum et sententiarum ac publicationum predictarum tenorem, singulis collectoribus regni Anglie et Wallie direximus, iniungentes eisdem ut predicta omnia et singula in suis ecclesiis publicare et denuntiare iuxta litterarum apostolicarum continentiam non omittant. Porro pauci ad absolutionis beneficium postulandum ad nos venerunt, nec nos absolutionis et dispensationis beneficium ab irregularitate contracta ex ingestione officiorum temeraria divinorum aliis ex viribus litterarum apostolicarum valemus committere.

Nec tacere possumus quod de solutione decime excommunicationis sententia irregularitatis laqueo in regno Anglie a nonnullis maioribus, mediocribus, et minoribus parum curatur, sicut in litteris, quas olim super statu decime sedi apostolice direximus, expressius continetur, et ego frater Iohannes in vestro sancto consistorio apertius proposui viva voce. Et est verum quod ego Arditio in estate proximo preterita circuivi pro negotio

decime quasi totum regnum Anglie, in quo in multis locis multas transgressiones decime reperi, adeo quod in quarto anno decime minus solutum pro decima inveni quam pro rata temporis tunc transacti. Et ad presens subscripta sedi apostolice intimamus quod quedam pars pecunie decime in diversis locis regni Anglie in deposito et penes diversos collectores residet, et quedam pars penes diversos mercatores societatum Lombardie et Tuscie custoditum, que eis tradita est per quondam episcopum Werdu-nensem et magistrum Reymundum de Nogeris et per nos propter tutelam decime memorate, tum ratione locorum minus tutorum in quibus dicta decima existebat, tum quia dominus rex Anglie mihi fratri Iohanni nuper inquit quod propter monetam suam cudendam de novo nolebat quod pecunia veteris percussure in quorumcunque manibus existeret extra regnum Anglie ad cambiendum vel alia decima transferretur. Et ego frater Iohannes, toto consilio suo presente, respondi quod super dicta pecunia nichil aliud per nos fieret, nisi quod vestra nobis beatitudo duxerit iniungendum.

Item quod bona quorundam defunctorum decedentium ab intestato a dicto quondam magistro R. auctoritate apostolica occupata fuerint, nec pro ipsis bonis soluta esse decima reperitur. Insuper secundum consuetudinem regni Anglie bona vacantium archiepiscopatum, episcopatum, et aliarum dignitatum per dominum regem Anglie et alios barones ubi sunt patroni sepe ad manus suas assumunt, nec invenitur qui decimam pro hiis solvat, et modo est exemplum in archiepiscopatu Cantuarie.

Preterea in litteris felicitis recordationis domini Iohannis pape, predeces-soris vestri, continetur ut medietas pecunie decime primi anni ad regem Francie perventure per nos assignaretur octo societatibus, quod quidem iam dudum de septem societatibus est peractum. Pro octava quidem societate, pro qua in Anglia nullus comparuit coram nobis, Claro fo. 49. Segine de Florentia, familiari, et ad hoc nuntio speciali, venerabilis patris domini S., tituli Sancte Cecilie presbyteri cardinalis, legati in regno Francie, ipsius domini cardinalis super hoc nobis litteras speciales deferenti, numerari et solvi fecimus octavam partem; verum cum multa arreragia tunc fuerint et adhuc aliqua remaneant primi anni, pro illis arreragiis nichil extitit postea persolutum.

Et in quibusdam litteris dicti domini Iohannis pape nobis directis continetur etiam talis clausula: *si vero aliqui regni Anglie archiepiscoporum, episcoporum, et aliorum per totius temporis spatium, quo decime concessio perdurabit, pro rata proventuum, quos annuatim perceperint, decimam ipsam solvere duxerint eligendum, vos iuxta huius electionem eorum predictam exigetis decimam ab eisdem. Si autem per totum temporis huius pro rata communis extimationis decimam ipsam prestare maluerint, exigatis ab eis secundum modum huius decimam supradictam, ita tamen quod, in huius extimatione communi, ad taxationem per bone memorie Norwicensem episcopum, vel alium quemlibet olim factam, respectus aliquis nullatenus habeatur, sed extimatio ipsa secundum taxationem per te, fili, frater Iohannes, et eundem magistrum R. vel clericos factam predictos, si fuerint idem archiepiscopi, episcopi, et alii prelibati predicta taxatione contenti, vel secundum vere taxationis modum sollicite per vos fiat, ut et gravamini non sit locus nec desit decime quod*

*debetur.*<sup>59</sup> Quas litteras ex iuramento prestituto de mandato dicti domini pape observare tenemur, ob quam rem, quamplurimis in fraudem decime taxationes novas petentibus, decima valde detrahitur et detrahetur supra modum, nisi nobis mandaveritis quod, omnibus aliis viis cessantibus, stetur taxationibus et extimationibus a nobis rite factis vel ubi facte non sunt per fide dignos, secundum veram extimationem et formam mihi fratri Iohanni et dicto quondam magistro Reymundo per litteras domini Gregorii pape decimi traditam de cetero faciendam.

Denuo licet sanctitas vestra litteras predictas continentes declarationes, que in litteris felicitis recordationis domini G. pape X primordially continentur, nobis dirigere sit dignata, tamen adhuc aliis declarationibus super dubiis, que per nostras olim litteras sedi apostolice plenius intimavimus, et ego frater Iohannes in vestro sancto consistorio expresse proposui, et que in manibus venerabilis patris domini Iacobi, Sancte Marie in Cosmedin diaconi cardinalis, de vestro mandato resident vobis intimanda, plenius continentur quamplurimum indigemus, foret etiam nobis quamplurimum oportunum ad omne dubium removendum, ut sedes apostolica nos certos reddere dignaretur, que sunt ille religiones sive ordines qui a prestatione decime sunt immunes. Placeat igitur sanctitati vestre super predictis nobis significare et precipere quid agere debeamus, quia parati sumus voluntarie adimplere quicquid sedes apostolica nobis in hiis et aliis duxerit iniungendum. Datum Londonie, nonis Februarii, anno domini MCLXX octavo, pontificatus vestri anno secundo.

31. *The Declarations by the Collectors, mentioned in the preceding letter, concerning the interpretation of the bull 'Cum pro negotio'.*<sup>60</sup>

Hec est copia quarundam declarationum super dubiis infrascriptis transmissarum dicto summo pontifici ex parte predictorum magistri Arditiōnis et fratris Iohannis prout constat per litteras eorum missas dicto domino I. cardinali, hic inferius exemplatas, quarum declarationum tenor talis est.

Emergunt dubia ex declarationibus infrascriptis.

Inprimis<sup>61</sup> ubi dicitur *de proventibus et redditibus leprosiarum, domorum dei, et hospitalium pauperum, qui in usus infirmorum et pauperum convertuntur, decima non solvetur.* Sunt enim in regno Anglie plures tales domus divites habentes amplas possessiones et ecclesias in proprios usus, quorum magistri et officii multa in proprios usus convertunt, et habent clericos et laicos secum, equos etiam, et familiam magnam. Ideoque dubitant collectores an tales omnino a prestatione decime sint immunes, an interea que convertuntur in usus infirmorum vel pauperum et alia que

fo. 49 v.

convertuntur in usus magistrorum et familie sit arbitrio boni viri separatio facienda.

Si bona que convertuntur in usus pauperum ab aliis sint distincta,

<sup>59</sup> *Registre de Jean XXI*, no. 106.

<sup>60</sup> The best edition of the bull for the purpose of comparison with these declarations is that by Gottlob, *Die päpstlichen Kreuzzugs-Steuern*, pp. 261-9.

<sup>61</sup> Opposite this item in the margin appears in a later hand: *nota de hospitalibus et leprosiarum qualiter debet recipi decima.*

de distinctis solvantur que non convertuntur in usus pauperum. Sed veritas est quod non est talis distinctio honorum in hospitalibus divitibus.

Sequitur in declarationibus: *Moniales quoque alieque regulares persone que pro vite sue sustentatione necesse habent publice mendicare et elemosinas publice petere dictam decimam non persolvent.* Nulle siquidem sunt in Anglia moniales publice mendicantes. Sunt tamen plures adeo miserabiles et pauperes que de suis redditibus nequeunt sustentari.

Comittatur fratri Iohanni qui super hoc provideat. Talis dabatur responsio.

Sequitur in declarationibus: *Seculares quoque clerici quorum ecclesiastici redditus et proventus annui summam sex marcarum non excedunt dictam decimam non persolvent.* Contra istam declarationem agunt calumpniöse quamplures dicentes quod, si ipsorum beneficium non possit pro sex marcis dari ad firmam, licet residenti in ipso beneficio decem vel duodecim marcae annuatim valeret, dare decimam non tenentur.

Si tenetur residere solvat quantum perciperet residens.

Sequitur in declarationibus: *Nec solvetur decima de pitantiis monachorum.* Huic declarationi adherent calumpniöse omnes monachi et regulares, asserentes se habere multas ecclesias et maneria, quorum proventus et redditus in pitantiis convertuntur, et ideo dicunt se ad decimam non teneri. Debet enim declaratio intelligi, ut videtur, de hiis que in victualibus seu pecunia numerata extraordinarie pro pitantiis conferuntur eisdem non de redditibus ordinariis quos in quoslibet usus possunt convertere prout volunt.

Non solvant de extraordinariis nec de illis quas instituerunt qui dederunt possessiones.

Sequitur: *de hiis que a christi fidelibus relinquuntur ecclesiis, ut ex eis perpetui emanant redditus, decima non solvetur.* Hec declaratione indiget seu potius additione ut redditus de tali pecunia empti sicut alie possessiones ecclesiarum detinentur.

Sic intelligenda videtur.

Sequitur: *solventium decimam electioni seu arbitrio ducimus relinquentum et cetera.* Videtur collectoribus regni Anglie quod ex declaratione ista seu electione non provenit nisi turbatio negotii et labor inutilis. Ideoque expedit quod electione huius omnino sublata detur una via per sedem apostolicam que competentior et utilior videatur.

Fiat taxatio.

*De vendentibus proventus beneficiorum suorum, seu dantibus ad firmam, ubi interserit si fecerit per firmarium vel vicarium de serviri, addatur vel per simplicem sacerdotem nec deducet partem vicarii vel simplicis sacerdotis sed de universis et cetera.*

Idem de simplici sacerdote cum distinctione inter temporalem et perpetuum sicut in vicario.

Sequitur: *si ex probabilibus seu verisimilibus presumptionibus apparuerit aliquem pensatis eius proventibus minus debito notabiliter de decima persolvisse, ita quod super hoc suspectus merito debeat reputari, ex officio nostro per viros idoneos deputandos a nobis faciemus inquire ab illis, qui super hoc scire valeant veritatem, videlicet de consilio diocesis episcopi vel aliquo deputando ab ipso, si sit eius subditus, et non aliter, si episcopus ipse vel deputatus ab ipso*

*comode*<sup>62</sup> *possit haberi, et tunc demum et non prius ille cuius proventus fuerint taliter extimati, pro eo quod minus solverat, etiam nominatim excommunicabitur, si eius contumacia exegerit et visum fuerit expedire.* Hec declaratio est preiudicativa negotii, dicit enim clerus Anglie quod dominus papa non excommunicavit in concilio statutis terminis non solventes, nec collectores possunt eos excommunicare donec inquisitio precesserit ad quam faciendam non habent aliquam potestatem, sicut ex predictis apparet, nec etiam habent consensum ordinarii, nec proventus sunt extimati. Ideoque destruitur negotium manifeste.

fo. 50

Sicut possunt intendentes excommunicare in genere, sic possunt nominatim excommunicare in casu predicto.

Sequitur: *episcopi et abbates ceteraque persone honorabiles non suspecte propriis conscientiis reliquantur.* Hec etiam confundit negotium, quia revera huiusmodi persone non solvunt communiter vicesimam, quod persone inferiores videntes solvunt quod volunt a vero valore totaliter recedentes.

Superintendentium stetur arbitrio qui haberi debeant non suspecti et a suspectis possint exigere iuramentum.

Sequitur: *nullus non solventium compelletur per secularis violentiam potestatis.* Ex hac declaratione assumunt multi audaciam non solvendi. Ideoque expedit specialius exprimere contumaciam vel rebellionem pro qua invocari debeat brachium seculare, et quando videlicet postquam steterint in excommunicatione per quadraginta vel sexaginta dies.

Provisum est satis in declarationibus.

Item de moneta recisa et attonsa, an debeat recipi, cum vix inveniatur alia in regno.

32. *A letter of the Collectors to I(acobus), Cardinal-Deacon of S. Maria in Cosmedin, asking him to forward the business contained in the immediately preceding documents. London, 12 February [1279].*

Hoc est exemplum quarundam litterarum predictorum magistri Arditiōnis et fratris Iohannis missarum ex eorum parte reverendo patri domino I., Sancte Marie in Cosmedin diacono cardinali, in quibus continetur quod ipsi per latorem litterarum ipsarum domino pape transmittunt litteras supra proximo scriptas, declarationes, et quendam libellum appellatorium, quem eis optulit dominus abbas Westmonasterii, supplicantes in litteris ipsis dicto domino cardinali, ut super negotio decime et maxime super articulis per dictum fratrem Iohannem ipsis domino pape et domino cardinali exhibitis et penes ipsum dominum cardinalem dimissis dignetur intendere et ea que expediunt procurare, quarum litterarum tenor talis est.

Reverendo in christo patri domino I., Sancte Marie in Cosmedin diacono cardinali, Arditiō, primicerius Mediolanensis domini pape capellanus, et frater Iohannes de Derlynton' ordinis predicatorum, collectores decime in regno Anglie a sede apostolica deputati, reverentiam debitam et devotam. Pro negotio decime nobis a sede apostolica commisso duas litteras per latorem presentium dirigimus sanctissimo domino nostro pape, in una quarum status decime et quid egimus post receptionem litterarum domini pape et etiam quedam declarationes alias etiam per nos petite plenius

<sup>62</sup> *comode*, MS.

continentur. In alia vero continetur quidam libellus appellatorius, quem dominus abbas Westmonasterii nobis optulit, appellans pro eo quod nolimus facere secum concordiam auctoritate litterarum, quas vos et bone memorie Sabinensis episcopus olim nobis mandastis, de triginta libris sterlingorum annuatim prout per tenorem litterarum ipsarum que sub forma publica sunt scripte et cuiusdam instrumenti publici manifeste apparet. Supplicamus itaque paternitati vestre quatinus super dicto negotio, et maxime super articulis per me fratrem Iohannem dicto domino nostro et vobis exhibitis et penes vos dimissis, intendere et ea que expediunt dignemini procurare, nam speramus quod vestra sollicitudo vigilans omnem excutiet tarditatem. Credimus enim quod dominus papa dictas litteras vobis faciet tradi per vestram diligentiam promovendas. Datum Londonie, II Idus Februarii.

### 33. *Schedule of deposits. 17 February 1281.*

Hec est copia cuiusdam cedule quam portavit ad reverendum patrem fo. 50 v. dominum Iacobum, Sancte Marie in Cosmedyn diaconum cardinalem, magister Phylippus, nepos et nuntius suprascripti magistri Ardicionis prout apparet in fine ipsius cedule scriptum manu magistri Bernardi de Carcasone, dicti domini cardinalis notarii et capellani, sicut ipse notarius asserebat, sub anno domini M<sup>o</sup> CC<sup>o</sup> LXXX<sup>o</sup>, mense Februarii, XIII kalendas Martii, cuius cedule tenor talis est.

Hec sunt deposita facta per infrascriptos mercatores de pecunia decime Anglie.

Inprimis penes socios Scotorum de Placentia v<sup>m</sup> DCCCXLV libre XII solidi II denarii. Item penes socios Richardorum de Luca XIII<sup>m</sup> II<sup>o</sup> XXIX libre XI denarii. Item penes socios Bertulorum de Luca v<sup>m</sup> VCC<sup>o</sup> LXXXIX libre III solidi II denarii. Item penes socios Amanatorum de Pistoria ad libram III<sup>m</sup> III<sup>o</sup> LXXVIII libre V denarii obulus. Item penes socios Pulicium et Rembertinorum de Florentia III<sup>m</sup> CLXXX libre XVI solidi VIII denarii. Item penes socios Mozorum de Florentia M III<sup>o</sup> III<sup>xx</sup> XIII libre VI solidi VIII denarii. Item penes socios illorum de Scala de Florentia v<sup>m</sup> III<sup>o</sup> LXII libre XII solidi III denarii. Item penes socios Circulorum de Florentia III<sup>m</sup> CXVIII libre V solidi III denarii. Item penes socios Fresimbaldorum de Florentia D marce. Item penes socios filiorum Bonsignoris de Senis MM IX<sup>o</sup> LXXV libre XVI solidi sterlingorum.

Notandum quod non colligitur per aliquam ex dictis scripturis, quod ille XXII<sup>m</sup> V<sup>o</sup> LXXXXI marce VIII solidi V denarii et obulus recepte de suprascripta decima primi anni computentur in predictis depositis.

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### *The First Voyages of Martin Frobisher*

FROM the time of his first voyage of discovery towards the North-West in 1576, the name of Martin Frobisher occupies a prominent place in the records of the period, but of the events of his earlier years his biographers have found little to relate, although his activities between the years 1563 and 1573 were

described (with special reference to the records of the Admiralty Court) ten years ago.<sup>1</sup> In view, however, of the peculiar interest which always attaches itself to the years in the life of a great man when his tastes were formed and the lines of his future career determined, it may be worth while to gather further information from the proceedings of the Court of Admiralty, and from the pages of Hakluyt, so as to present a somewhat clearer picture of the boyhood and earliest voyages of the famous explorer.

First, the date of Frobisher's birth has been placed between the years 1530 and 1540.<sup>2</sup> Now in 1566 the explorer was examined before the lords of the privy council on a charge of piracy made in connexion with a voyage which he had proposed to make to the district of Benin in Guinea,<sup>3</sup> and in his evidence he stated his age at that time to be twenty-seven, so that his birth may be more exactly assigned to the year 1539 and his age at the time of his two first expeditions to Guinea, which are now to be described, to have been about fifteen years.

At the time of his birth his parents, Bernard and Margaret Frobisher, were living, probably in a small way, at Altofts in Yorkshire, but they possessed a close link with London through the fact that his mother was sister to the master of the mint, Sir John Yorke,<sup>4</sup> whose name is found in connexion with most of the chief trading ventures of his day, and especially with the opening up of a new trade with the West Coast of Africa—a project which led, after many vicissitudes, to the extension of English commerce to the East Indies. The importance of this relationship is shown by the fact that Martin, the third son, was sent to London to be brought up by his uncle, as we learn from a mutilated memorial of Michael Locke, Frobisher's patron and associate in his later voyages :

Frobisher was born of honest parentage, gentlemen of a good house and antiquity, who sent him to London to school ; his kinsman Sir John Yorke, deceased, perceiving him to be of great spirit and bold courage, and natural hardness of body, sent him to Guinea, in which voyage . . .<sup>5</sup>

Here the narrative breaks off, but it is fortunately possible to supplement it by reference to Hakluyt's *Voyages*, where we learn further details of the first ventures in which Frobisher developed his natural bent for a seafaring life, and acquired that zeal for discovery of which he was to give such abundant proof in later life.

In 1553 an association of London merchants, with Sir John

<sup>1</sup> See Mr. R. G. Marsden's article, *ante*, xxi. 538-544.

<sup>2</sup> Frank Jones, *Life of Frobisher*, 1878.

<sup>3</sup> State Papers, Domestic, Elizabeth, xxxix. 86 ; see *Cal. 1547-80*, p. 273.

<sup>4</sup> Foster, *Pedigrees of Yorkshire Families, West Riding*, iii, and *Visitation of London, 1568* (Harl. Soc.).

<sup>5</sup> *Calendar of State Papers, East Indies*, no. 27, p. 13.

Yorke as a prominent member,<sup>6</sup> was formed with the object of trading to Guinea in the wake of the Portuguese, and in that year and in 1554 voyages were sent out, accompanied in each case by Martin Frobisher.<sup>7</sup> An account of these voyages was printed by Hakluyt, and in the case of the second the presence and adventures of Frobisher are expressly mentioned. During the course of the voyage the ships touched at the town of Samma on the Guinea coast, and there, before trade could be begun, a hostage was demanded by the natives, of whom it is related that 'when they received the pledge they kept him still, and would traffic no more, and shot off their ordinance at us'.<sup>8</sup> A marginal note explains that the pledge was 'Sir John Yorke his nephew', and another part of the narrative, also dealing with the visit to Samma, states that 'Martin, by his own desire, and assent of some of the Commissioners that were in the pinnace, went ashore to the town'.<sup>9</sup>

Thus the first voyages of Frobisher came to an abrupt and unexpected ending, and were followed by a period of imprisonment in Guinea, which he himself described in a document written in 1562.<sup>10</sup> At that time the extension of English trade to Guinea had aroused the hostility of the Portuguese, who claimed a monopoly of commerce to the East; the English merchants disputed these claims, and diplomatic negotiations followed. In connexion with this controversy Frobisher, as one able to speak from personal experience of conditions in Guinea, laid before the privy council a statement on the English side, entitled 'The Declaration of Martin Frobisher, who was in the first and second voyages in the parts of Guinea, and there remained by the space of three-quarters of a year in the Castle of Myne'. It is clear from this document that Frobisher, after his detention by a native chief, had fallen into the hands of the Portuguese, but neither of this event nor of his release are any details known, and it can only be conjectured that his freedom formed a condition of one of the agreements by which repeated attempts were made at that time to settle the questions at issue between England and Portugal without an open rupture.

The next landmark in the story of Frobisher's connexion with the African trade is made by the events of the year 1559, when, as Mr. Marsden has shown, he returned to England from a voyage to Barbary,<sup>11</sup> and when, also, he seems to have been

<sup>6</sup> Admiralty Court Examinations 9.

<sup>7</sup> Lansdowne MS. 147, and *Calendar of State Papers, Foreign, Elizabeth*, 1562, p. 53.

<sup>8</sup> Hakluyt's *Voyages* (ed. Glasgow, 1904), vi. 160.

<sup>9</sup> *Ibid.*, p. 163.

<sup>10</sup> Lansdowne MS. 147; see a summary in *Calendar of State Papers, Foreign, Elizabeth*, 1562, p. 53.

<sup>11</sup> Admiralty Court Exemplifications 36, no. 250: see *ante*, xxi. 533.

concerned in an obscure project of the pirate Strangways for the capture of the Portuguese stronghold of Mina in Guinea, which was but thinly disguised as a trading venture, and which ended in the seizure and trial of the adventurers. Their examination was held before the judges of the Admiralty Court, and in Strangways' evidence it is stated that 'he had information of the plot of Martin Frobisher, and hath talked also of this matter with one John Locke.'<sup>12</sup> Martin Frobisher was privy also to his intent in talk, and should have gone with him to the Enterprise to the Castle of Mina, but came not.'<sup>13</sup> There is no indication as to the nature of the plot in question, but the association of Frobisher's name with the enterprise shows clearly that his early interest in the Guinea trade had been maintained; and it is evident from the nature of the proposed expedition that he was not only concerned in legitimate trade, but had already become involved in piratical ventures such as those in which he is known to have been engaged between 1563 and 1573.

K. M. ELIOT.

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*Letters illustrating the Relations of England and Russia  
in the Seventeenth Century*

THE archives of the Board of Foreign Affairs at Moscow contain, in the class of 'English Letters', a long correspondence between the Russian and English courts, beginning with the reign of Queen Elizabeth. Under the Stuarts the letters are written in English, in large clear characters with few abbreviations. They all bear the royal signature. A feature of the letters of the latter part of James I's reign and of the earlier part of Charles I's is the elaborate style of their ornamentation, the initial letter of the king's name being decorated with a handsome miniature of considerable dimensions. This miniature may include a portrait of the king enthroned or figures of animals, flowers, &c. Coats of arms and symbolical ornaments are sometimes depicted on a broad coloured stripe which traverses the upper and the side margins. The first line of the king's title is written in large gold characters on a blue or (especially when the letter is addressed not to the tsar but to the patriarch) on a dark red ground. In the latter part of Charles I's reign this coloured ground no longer appears, and the margins are left plain. Under Charles II more gold is used for the ornamentation and for capital letters, but the floral

<sup>12</sup> Brother of Frobisher's associate Michael Locke, and a member of the original Guinea Company.

<sup>13</sup> Admiralty Court Examinations, 1559-65, 35.

decorations are rarer. One letter written from Saint-Germain is illuminated in a delicate French style. The following transcripts are taken from the originals, with omission of the king's title and the address giving the 'grand title' of the tsar.

1. The first letter relates to the mission of Sir John Merrick, who was first principal agent and then governor of the Muscovy Company, and who was appointed on 18 June 1614 ambassador to the tsar to treat for peace between him and Gustavus Adolphus of Sweden.<sup>1</sup> He visited the Swedish king at Narva and afterwards went to the village of Dederino, where the first negotiations took place; the Dutch mediators supported the side of Sweden, while Merrick was believed to favour Russia. In any case he had a very important part to play, and the Swedish deputies more than once declared that he held peace in his hands;<sup>2</sup> he wrote several times to the Swedish king and to the tsar, and also sent reports on the negotiations to England.<sup>3</sup> At his instance Michael wrote to James I (18 August 1615), informing him of the ill-success of the first negotiations and asking for his assistance in case of war being resumed. The letter we print is an answer to this.<sup>4</sup> Later the negotiations were continued at Tikvino and Stolbovo; the Dutch mediators had departed, but Merrick remained until the end, and peace was definitively signed in his presence in February 1617. After that he was received with great pomp in Moscow and obtained rich presents from the tsar with his portrait on a gold chain to wear on his breast.<sup>5</sup>

2. The second letter illustrates the commercial relations between England and Russia. The privilege here mentioned was granted by Tsar Michael in July 1617.<sup>6</sup> It empowered twenty-three members of the Muscovy Company and their factors to trade throughout the tsar's dominions free of customs. But in spite of this we see from the letter that toll and custom were sometimes exacted and, we may add, never returned; this was

<sup>1</sup> His commission is printed in Rymer's *Foedera*, xvi (1715), 768 f. See also State Papers, Russia, ii, fo. 215, 261, in the Public Record Office; and a letter from Merrick to Secretary Winwood, December 1615, *ibid.*, fo. 216.

<sup>2</sup> The details of these negotiations may be found in the *Sbornik Imp. Ystoritch. Obchestva*, xxiv. (Petrograd).

<sup>3</sup> State Papers, Russia, ii, fo. 224, a letter to Winwood with Merrick's seal, dated 10 August 1616. His letters to Gustavus Adolphus are printed by Lygin, *Stolbovsky dogovor*. See also Add. MS. 35125, British Museum. An answer of the tsar to Merrick is in Lygin, no. 38.

<sup>4</sup> Another letter from James, dated 16 April 1616, is preserved in Moscow (no. 23), but unfortunately it is quite defaced.

<sup>5</sup> Massa, *Histoire des Guerres de la Moscovie*, ii, Introduction, p. cvii. For more particulars as to Merrick's see my paper on the correspondence and diplomatic relations of the first Romanovs with the first Stuarts in the *Jurnal Ministerstva Narodnogo Prosvetchenia*, July 1915.

<sup>6</sup> See English Treaties, no. 6, in the archives of the Board of Foreign Affairs at Moscow.

the half-custom, which was exacted from all foreigners in Russia, except the English.

The letter speaks of the Company as 'trading in several and apart', that is as a regulated company. Though the Muscovy Company was the first joint-stock company of the sixteenth century,<sup>7</sup> in the seventeenth an attempt had been made by its members to give a new and looser organization to the trade, in the hope of checking its decline and of attracting new capital. A letter of King James, dated 30 May 1623, announced to the tsar this decision.<sup>8</sup> In earlier times, when the mercantile energy of the English pioneers had been of great assistance to the external commerce of Russia, Tsar Ivan IV and Tsar Boris had asked Queen Elizabeth that the English trade in Russia might be kept free; but later, when many other nations were already trading with good success in the Muscovite markets and paying large customs to the government, Tsar Michael showed a marked reluctance to increase the number of privileged English merchants in his empire, and permission for the reorganization of the Company was several times refused. The Company had houses in Moscow, in Yaroslavl on the Volga, and in the north of Russia, in Vologda, Kolmogory, and Arkangelsk,<sup>9</sup> one house in each. The petition of 1627, that the English might be allowed to live in each town in several houses or obtain ground for new buildings, was also rejected, and they were only permitted to buy a new house in Moscow; but the Company was already too poor for such an expense. The first house in Moscow had been granted by Tsar Ivan at the time of the first privilege to the Company in 1555.

When the letter more than once mentions the 'league' and 'alliance' between England and Russia, these words are to be understood only as terms of amity and friendship between the countries. A league, as a political and commercial alliance, had been discussed in the reign of King James, and in 1623 was nearly concluded,<sup>10</sup> but the project failed at that time and was not taken up in the reign of Charles.

3. The Patriarch Philaret, to whom the third letter is addressed, was the father of the young Tsar Michael. During the 'period of troubles' he had been sent on an embassy to Poland to

<sup>7</sup> See W. R. Scott, *Joint Stock Companies to 1720*; Gerson, *The Organization and Early History of the Muscovy Company*, pp. 37-42; and the present writer's article on 'Les Marchands Anglais en Russie au XVI<sup>m</sup>e Siècle' in the *Revue Historique*, cix. 6-7, and *Ystorija torgovyk snoshenij Rossii s Angliiej*, i. 27-30.

<sup>8</sup> English Letters, no. 34 (original), and State Papers, Russia, ii (copy).

<sup>9</sup> See the privilege of 1617.

<sup>10</sup> Rymer, *Foedera*, vii, p. iv, pp. 71-3, 'Articles of a perpetual League of Amity and Alliance, Entercourse and Commerce accorded and agreed upon betweene the most high and mighty Prince James . . . and the great Lord Emperour and great Duke Michall Theodorowith.' See also my article (cited above, n. 5), pp. 86-93.

promote the candidature of Vladislav to the Muscovite throne. As no agreement was arrived at, the Russian ambassadors were for a long time detained in Poland as prisoners, and Philaret did not return to Moscow until 1619, when his son had already been reigning for six years. He was immediately nominated patriarch of Moscow, and thenceforward took a prominent part in the government. Many of the English kings' letters were addressed in two, though not quite identical, forms: one to the tsar, the other to the patriarch.

In 1631 Russia was reorganizing its army and accepting soldiers, officers, and ammunition from abroad. The 2,000 muskets mentioned in the letter form a small part of the military help given by England to Tsar Michael.<sup>11</sup> In return for English services of that kind, King Charles several times asked Russia for corn, wheat, buckwheat, &c. In the years 1628-32 there were bad harvests in Eastern Europe, the prices of grain rising dangerously in England after 1628. Sixteen letters of the correspondence with the Russian court treat the question of export of grain from Russia.<sup>12</sup> But though great quantities were demanded and various persons sent from England with privileges to buy them on the Russian markets, the tsar contributed no more than the 30,000 chetverts mentioned in this letter. The reason for their refusal was not so much the supposed scarcity of grain in Russia, as the lack of co-ordination in the action of the English Company and of Charles I; the king needed money and gave letters of recommendation to persons of bad reputation, if they paid him for them.

4. Tar was a much-needed article of English importation from Russia, and a great quantity of it was also used at the English rope-works in Vologda and Kolmogory. Established since the sixteenth century, the English employed workmen brought from England, but the Russians soon began to learn from them, and with good success. The ropes, always improving in quality, were imported in large quantities into England, where the chief buyer was the treasury itself. As early as 1588, 3,000 lb. of rope had been ordered from Moscow, and in 1594 the orders amounted to 13,500 lb. It is no exaggeration to say that at the end of the sixteenth century the English fleet obtained its rigging from Russia.<sup>13</sup> In the letter printed below Charles I asked on 25 March 1636 for a licence for a limited import of tar. The answer to it, dated 11 January 1638, was a refusal, Michael alleging that the

<sup>11</sup> The tsar, in a letter dated 29 November 1630, had asked for these '2,000 good muskets and other military ammunition': Public Record Office, Royal Letters, 49.

<sup>12</sup> See, for example, English Letters, no. 40, 12 April 1628; no. 41, 31 October 1629; nos. 48 and 49, 10 August 1630; no. 51, 10 September 1630.

<sup>13</sup> See, for example, English Affairs (Moscow), 1622, no. 2; 16 March 1625, no. 4; 27 May 1627, no. 1; 9 May 1628, no. 1; 4 June 1631, no. 2.

privilege was already acquired by the Dutch for five years, and only permitting the English merchants to buy tar for their rope-works in Kolmogory and Arkangelsk.<sup>14</sup>

5. The last letter here printed illustrates the attitude adopted by Tsar Alexis after the execution of Charles I. In a protest to the European courts he spoke of the king as a 'glorieux martyr', and he expelled the English merchants from Russia on the ground that 'they with all their country had committed a great crime'. Cromwell's attempts to renew relations with Russia were unsuccessful; his ambassadors were not received at the court.<sup>15</sup> The letter is a grateful acknowledgement by Charles II of a loan which the tsar had made him. While the abolition of the privileges of the Muscovy Company was immediately due to the revolution in England, it had in reality deeper causes which continued in operation after the restoration of the Stuart house. In the sixteenth century the English had enjoyed exclusive favour in Russia, but after that their position declined. Not only had they to face competition from other traders, but their privileges became incompatible with the economic development of the country. If they had been willing to abandon in time their exemption from customs and to contribute with other foreigners to the resources of the Russian treasury, they might have succeeded in maintaining a firmer hold upon the Muscovite markets.

INNA LUBIMENKO.

English Letter 24.

I

KING JAMES I TO TSAR MICHAEL

30 September 1616.

Sir John Merrick Knight, our ambassador resident with your Maiestie, haueing by a gentleman of his traine (expresly sent hether to that purpose) advertised vs at large of what hath passed in his negotiation there, namely touching the treatie of peace between your Majestie and our good brother the King of Sueden, wherein wee haue well obserued your princely readines to conforme your selfe to all good causes, tending to a good issue of the said treatie for the general good of Christendome and the particuler benefit of the crownes and subiects of both your Majesties; wee haue thought good by theis our royal letters to take notice of that your peaceable and princely disposition, which wee do highly commend. And for that (as wee are giuen to understand by our said ambassador) your conformity therein did the more readily extend itselfe in respect of our mediation, wee will in requital thereof the more plentifully supplie (with our royal intervention) all conuenient helpes, that shalbe requisite to the advanceing of that peace to your Majesties best contentment. In consequence whereof wee now againe write to our brother the King of Sueden, exhorting him not to be colde in so good a work, but

<sup>14</sup> English Letters, no. 79.

<sup>15</sup> See the letters of William Prideaux, Cromwell's agent, printed in the *Thurloe Papers*.

seeing your Majesties real and sincere forwardnes therin, to answere the same with a reciprocal roundnes, whereinto wee hope he wil incline at the intercession of vs, who haue been the happie instrument of makinge the late reconcilment between him and our dearest brother the King of Denmark. But if (which God forbid) the intended peace shal not succeed and that your Majestie, after a constant imploying of your best endeavor, shalbe forced to reenter into the warre, wee are well pleased in such case, that our subiects of either or all our kingdomes shal in competent numbers with our free leaue serue your Majestie in those warrs, vpon such reasonable termes as shalbe agreed on between your Majestie and them. And in the meanetime, whilst the afforesaid treatie shalbe in handling, wee haue prohibited any more such leuies to be made, as the King of Suedens ministers did here make this sommer past. For all other matters concerning our affaires wee referr you to the report of our ambassador, to whom wee pray you to continue your fauorable regard and to giue him such credite as to our selues in person. And so wee commit your Majestie to the Almightyes protection. Giuen vnder our Priuie Seale at our pallace of Westminster, the thirtieth day of September in the thirteenth yeare of our raigne of great Brittain.

JAMES R.

English Letter 37.

II

KING CHARLES I TO TSAR MICHAEL

1 February 1626/7.

Most excellent Prince, most deare brother and frend, wee doe well vnderstand by your Majesties letters vnto vs in March last, how acceptable our lettres of princely congratulation were to your Majestie, our dearest brother; what singuler content your Majestie tooke in our peaceable entrance and happie succession vnto the crownes and kingdoms of our late deare father, King James of ever blessed memorie, and what royall affection you beare to the conseruation of that princely league and mutuall frendshippe, so happily continued betweene our said deare father and your Majestie, our good brother. In the next place your Majestie, together with your noble father, our deare cozen and frend, the great Lord Feloret Nikitich, the holie Patriarch of Mosco and of all Russia, are pleased to expresse your good affection towards vs, in the persons of our loving subiects, our marchants trading into your Majesties kingdoms, by granting them gracious priuiledges of free commerce and trade in all your dominions. This your Majesties princely expressions by your loue and good will to vs and those reall acts of grace and fauour to our marchants, as we do verie well knowe, proceed of your intire affection to vs and our kingdoms, so we, being no lesse carefull to preserue, then our deare father was studious to begin this strickt alliance and brotherly amitie betweene yours and our crownes, do promise in the word of a King to answere those sweet effects of brotherly loue and respect in your Majestie by all the like roiall expressions on our part (in what soeuer maie tend to the happie conseruacion of that auncient league of loue and amitie and increase of all good intelligence betweene your Majestie and vs and betweene our crownes and people); we thought it therfore verie fit to take this opportunitie

to congratulate with your Majestie the firme and setled estate and constant continuance of your happie raigne and peaceable government over those your great kingdoms of Russia &c., as also your happie conjunction and marriage with that great and noble Lady, your Majesties most deare affected Empresse and consort, wherin we wish vnto your Majestie, our good brother, all perfection of happines.

For that point of your Majesties lettres, concerning the furnishing of your treasury with the commodities of our kingdoms and the abuse by falsifieng of wares by divers strangling traders, that haue recourse into your Majesties Dominions, we haue giuen charge to our seruant, Sir John Merick Knight, governor of the company of our marchants, to take care heerin, who, we do not doubt, in his due obedience to our command, wil aswell heere, as our agent Fabian Smith in Russia<sup>1</sup> (to whom wee haue giuen the like command), take good course heerafter both for the reasonable furnishing of your Majesties treasurie, as hath beene heertofore, and for suppressing those strangling traders, the authors of such abuses. Your Majestie our good brother wilbe pleased to take notice, that according to your princely lettres vnto vs by the Grecian friers, Kirila the Archimandrett of Arkania and Gregorie the Archimandrett of Savona Monastery and their fellowes, we haue receaved them with all humanitie and favor, admitting them to our princely hand and giuing them that freedome and entertainment, during the time of their stay in our kingdoms, and frendly dispatch home to their owne contrey, as might testifie our good respect to your roiall recomendacion. Now, most deare brother, as nothing sutes better to our princely and brotherly amitie, then thus to imbrace all good occasions with your Majestie, and finding by long and certaine observation and experience, that the inlarging of the intercourse of trade and commerce betwene our contreys and dominions will much conduce to the honor and commoditie of both our kingdoms and dominions and to the cherishing of the mutuall loue and amity betwene the same, we thought good to take into our especiall consideracion an overture, formerly made by a principall noble-man of your Majesties court to our agent Fabian Smith, concerning the trade of silk to be yearly brought out of Persia through your Majesties dominions; and for that cause we haue called our marchants that trade into your kingdoms before vs and declared vnto them, how earnestly we desire, that this trade of silk<sup>2</sup> should be setled in your Majesties dominions rather then in any other kingdome; and finding them not only conformable to our mind and pleasure heerin, but verie propensie and ready also to any thing that may tend to the advancement of your Majesties service, we held it very reasonable for their more incouragement to grant and impart vnto them

<sup>1</sup> A later commission to Fabian Smith as the king's agent to the tsar and the patriarch of Moscow, dated 12 June 1630, is printed in Rymer's *Foedera*, xix (1732), 168 f.

<sup>2</sup> The trade in silk, brought from Persia through Russia, of which King Charles speaks as of something very advantageous and desirable for both kingdoms, was in reality one of the chief requirements of the Company. The English merchants had made large profits from this trade in the sixteenth century, but failed to re-establish it in the seventeenth, the Russian government being then firmly resolved to exclude foreigners from Persia.

this our roiall assistance by our lettres to your Majestie our deere brother, heerby lovingly intreating your Majestie to vouchsafe them your princely favour in the particulars heervnto appartaining.

And because diuers of our marchants, since the graunting of the last gracious priuledge by your Majestie our good brother, are departed this life and others againe lefte their course of trade and dealing in marchandize, we lovingly intreate your Majestie, that as you were pleased at our instance and request to grant them these priuiledges, so you will now also be pleased for our sake to strengthen the same with such immunities and favours (the trade being managed in severall and apart), as was formerly granted by your Majestie, at the instance and request of our deare father of ever blessed memory, when the trade was carried in a joint-stock, and that such others of our marchants, as are free of that companie, may be incerted in the priuledge in place of those, which are dead and haue lefte the trade, wherby the same may with better effect be managed and carried by them and their successors. And wheras we haue vnderstood, that some of your Majesties officers, not well vnderstanding the princely priuiledges, granted by your Majestie and your noble predecessors vnto our marchants, in contemplacion of the amitie betwene our crownes and kingdoms on both parts, haue lately taken of some of our marchants the tolle and custome due by other strangers, not comprehended in our mutuall princely league, we pray your Majestie our good brother to giue order for the rectifieng of this error by repaiment of the sommes so taken, contrary to your Majesties intents in that behalfe. And in regard the straightnes of roome in our said marchants houses, by reason of their trade in seuerall, is such, that they cannot with conueniency mannage their trade in one house in a place, we pray your Majestie our good brother to grant them libertie to stand in seuerall houses, everie one apart by himself, or to grant them such grounds in the severall places of their trade, as may conueniently serue to build houses for such of them, as cannot stand in the houses already giuen them by your Majestie.

Wee thanck your Majestie our good brother for your grace and bountie to our subiect Doctor Arthur Dee,<sup>3</sup> servant and phisition to your Majestie,

<sup>3</sup> Arthur Dee was the son of the famous mathematician, John Dee. He studied medicine at Oxford, and was sent with the recommendation of James I (11 June 1621, English Letters, no. 29) to the tsar in 1621, and continued in his service until 1634. In 1626 he had been allowed to visit England, which was a great favour, rarely granted by the Russian government to any foreigners who had constant access to the court, for fear of their divulging secret information about Russian affairs. In 1627 he re-entered the tsar's service (see a special letter of recommendation, given to him on his return to Russia and dated 2 June 1627, English Letters, no. 39). There were then six foreign doctors at the court, but the tsar showed a marked preference for Dee, giving him a yearly salary of more than 1,100 rubles, a very large sum for that time, and granting him a house in Moscow and a valuable estate (Richter, *Geschichte der Medicin in Russland*). During his life in Russia Dee wrote a scientific work entitled *Fasciculus chemicus, abstrusae hermeticæ scientiæ ingressum, progressum, coronidem, explicans*, and published at Paris in 1631. It was translated into English by Elias Ashmole in 1650. After his return to England he served King Charles I for some time; he died in 1651. Compare the article on Dee in the *Dictionary of National Biography*.

by whose humble acknowledgments we haue good testimony of your great and gracious favor towards him, we pray your Majestie for the continuance of this your grace and favor during his stay in your Majesties service, which we are the rather moved to desire, both in regard of his faithfull observance to our deare mother of ever blessed memory all the time of his service about her roiall person, and for the generall approbacion of his worth by our Colledge of Doctours, for which also our deare father of ever blessed memorie held him worthy of his speciall commendacion to your Majestie. Wee haue purposely sent to your Majesties court this gentleman Richard Swift, our special messenger, one formerly imployed to your Majestie our good brother by our said deare father of ever blessed memorie, and haue ordered him to ioyne with our Agent Fabian Smith in the conduct of our affaires and to returne vnto vs with such busines, as shalbe occasioned from your Majestie; wee pray your Majestie our good brother to giue full credit vnto them in what they haue to propound and negotiate in our name, as we shall vpon all occasions readdily do to any thus commended from your Majestie. It remaines that we giue to your Majestie our good brother all princely assurance, aswell on our part of the like grace and favor in our kingdoms to any of your subiects, that shalbe recommended from your Majestie, as on the part and behalfe of our marchants, that your Majestie shall find them persons everie way so humane and ready to answere your Majesties expectation and so faithfull in their performances, as greater shall not be found from any people or nation negotiating with your Majestie or people. And thus we wish vnto your Majestie long and happie felicity on earth and everlastinge in heaven. Given at our pallace of Whithall the first day of Februarie, in the yeare of our Lord 1626 and of our raigne of great Brittain, France and Ireland the second.

CHARLES R.

English Letter 59.

III

## KING CHARLES I TO THE PATRIARCH PHILARET

20 May 1631.

Most reuerend great Lord our deare cousin and frend. Wee haue understood by seuerall letters receaued from our good brother, the great Lord Emperor and great Duke Michael Feodorowich of all Russia sole commander, your renowned sonne, and from your Grace our good cousin, that our letters were honorable receaued of you both. Wee are also informed that our marchants, by the speciall grace and fauor of his Majestie and your selfe, haue both obtained their ancient priuiledges and, as wee suppose (hearing nothing to the contrarie), haue gotten libertie to go with their shippes ouer the new barre at Mormensky<sup>4</sup> and (which

<sup>4</sup> The bar of 'Mormensky' is mentioned several times in the correspondence. The river of the North Dvina, where the ships coming by the Baltic to Russia landed, having several mouths, the English had received in the sixteenth century permission to land at the 'Pudozemskoe' mouth; but after 1629 we find their petitions to the Russian government, asking to be allowed to pass to Arkangelsk by the newly discovered bar ('Berezovoe' or 'Murmanskoe'), on account of the shallowness of the water in the old bar. In a letter dated 8 June 1632 (State Papers, Russia, ii, fo. 138-40), Charles cites serious accidents which ships had suffered in passing by the old 'Pudozemskoe' bar. But these representations, however well justified, led to no result.

importeth them much) haue for their protector in their affaires assigned to them (according to our desire) a nobleman of honor and trust and of neare accesse to you both.<sup>5</sup> Now for these expressions of a louing affection towards vs we are verie thankfull and will returne the like good offices upon all occasions on our part. For the present, according to that desired by his Majestie our good brother, we haue giuen order aswell to the gouernor of the companie of our marchants here trading in Russia, as also to John Cartwright (who came ouer for this busines) for the prouision and free transportation of two thousand muskets for his Majesties seruice. And for anie that shall attempt the preiudice and hurt of his Majestie our deare brother or his estates, wee will not onelie giue no encouragement or assistance to them, but contrariwise will by all meanes dissuade and hinder such uniuert practises, and in what wee may, procure and further the peace and tranquillitie of that great empire, wherewith wee and our noble progenitors haue had ancient and firme alliance, which wee will alwayes endeour to preserue for the good of both our crownes and kingdoms. Wee haue also giuen order in our universitie of Cambridge and with our colledge of Doctors in London for the perfect instruction of John Elmson,<sup>6</sup> the sonne of John Elmson, in the studie of phisicke for his Majesties seruice, and for defraying of his necessarie charge here when he shall returne out of France. And whereas by your last letter it pleased your Grace our deare cousin to signifie unto vs that you had cawsed our factor Thomas Wiche to bee furnished this last yeare with thirtie thousand chetfords<sup>7</sup> of seuerall sorts of graine, and that more could not then be granted by reason of the barrenesse of that season, wee doe giue his Majestie our good brother and your Grace our deare cousin verie hartie thanks for this your noble courtesie. And for the remainder of the hundred thousand chetfords which wee formerlie desired, wee hope and now desire againe (for the same urgent and pressing occasions mentioned in our first letters) through your Graces fauor, our good cousin, God sending better store, it may be supplied to our said factor Thomas Wiche the next winter. Our pleasure herein and the furtherance of this our seruice wee haue imposed by special chardg to our agent Fabian Smith. Lastlie for that wee haue bene informed, that some haue attempted to offer wrongs and to cast aspersions upon our subiects in Russia, which reports as wee are not apte to beleuee, so wee are confident that, neither his Majestie our

<sup>5</sup> This desire of the merchants, to have a special protector, after the example of Boris Godunov, who had received this office in the sixteenth century, obtained no success, and the supposition made in this letter, that this matter had been happily settled, is quite unfounded.

<sup>6</sup> Elmson was not Russian by blood, but the son of an interpreter, serving at the tsar's court. Tsar Boris had already made a plan for sending young Russians abroad for their education; and four of them had been taken to England by John Merrick. The result was curious. In the time of the troubles they were forgotten, and when they were recalled by Tsar Michael, they showed no desire to return, and Charles refused to send them back by force (State Papers, Russia, ii, fo. 103, 116). Probably for that reason Michael chose only sons of interpreters to be educated abroad. Elmson and Almanzenov are mentioned several times, as having gone to England for medical study. It is interesting to note that Charles was 'defraying the necessarie charge' of Elmson during his stay in England.

<sup>7</sup> A Russian dry measure.

good brother, nor your Grace our good cousin, in regard of your great wisdomes and good affection towards vs, will not giue credit to such detractors, nor leaue unreproued and unpunisht the raisers of such false rumors, which good princes can in no wise abide or suffer. And so wee pray your Grace our good cousin to rest assured of our perticuler fauor and respect to your person and dignitie. Giuen in our Imperiall cittie of London in our pallace of Westminster, the yeare since the birth of our Lord and Sauour Jesus Christ 1631, the 20th day of May.

CHARLES R.

English Letter 71.

IV

KING CHARLES I TO TSAR MICHAEL

25 March 1636.

Most excellent Prince our most deare brother and frend. Your royall disposition and good affection towards vs, abundantly testified by your last letters, sent by your owne messenger or post, and also by the enter-course of many frendly offices betwixt vs, giue vs confidence that your Imperiall Majestie our deare brother will gratifie vs in that, which without preiudice to your affaires may accommodate our nauye, which is an important part of that power wee haue to assist our good frends and annoy our enemies, when there shalbe cause. To fitt our shippes for seruice from time to time, requireth a conuenient prouision of tarre, which is a commoditie abounding in your great and spacious dominions, but prohibited to be exported without your Majesties speciall license. Wee do therefore by these our royall letters recommend to your fauor the bearer, our seruant and factor Henry Thurstone, to whome wee desire you, our deare brother, to grant license and free power to buy of your people, within your said dominions and countreys, three or fower thousand hogsheads of tarre yearly for seuen yeares together, as hee or his agents can best procure it of them. And this being for the seruice of our owne ships of warre, wee doubt not but you will permit it (as you do our marchants goods) to be exported custome free. And with that your Majestie will giue order to the officers of all your Majesties castles and mart townes, that they permit and suffer our said factor and his agents, as to buy, so without hinderance or molestation quietlie to shippe and export the said tarre for our seruice. This wee shall receaue from you, our deare brother, as a pledge and assurance of your continewed loue and fauor, which wee will requite on all occasions, wherein our like harty affection towards your Imperiall person and for the aduancement of your affaires may reasonably bee expected. Giuen in our Imperiall cittie of London and in our royall pallace there, the 25th day of March anno 1636.

CHARLES R.

English Letter 85.

V

CHARLES II TO TSAR ALEXIS

Cologne, 30 July 1655.

Most excellent and renowned Prince. Amongst the severall perplexities we haue lately suffered in our distressed affaires, we haue been

very sensibly afflicted, that we haue hetherto wanted convenient meanes to send, according to our intention, with our letters an expresse messenger, to make a returne vnto Your Imperiall Majesty of our thankfull acknowledgement and of the deepe resentment we haue of your singular favours, both in the kind reception of our right trusty and welbelovéd counsellor John Lord Culpeper, Baron of Thoresway, and one of the peeres of our kingdome of England,<sup>8</sup> our embassadour extraordinary, and for the seasonable assistance and loane, which you so freely granted and he brought vs, of fourty thousand rixdollers, proceeding from the furses and corne, which you sent vs,<sup>9</sup> as likewise for the high expression your Imperiall Majesty made of your love towards our person, the iust resentment of our distressed condition and your detestation of the execrable impiety of our rebellious subjects, together with your magnanimous offers and loving promises of the continuation of your affection and friendship to vs and further assistances in the time to come for the restablishment of our affaires; of all which our said ambassadour extraordinary hath fully and at large informed vs, wherein, as wee acknowledge that you haue infinitely obliged vs, we doe also assure Your Imperiall Majesty that we shall not only for ever preserue a gratefull memory of those favours, but shall not fail besides to make a full and just satisfaction for the said loane, so kindly and generously afforded vnto vs, so soone as it shall please God to restore vs to the lawfull possession of our Royall Crownes and inheritance, in the pursuite whereof we continually doe employ all possible endeavours; not doubting but, as there may be occasion, Your Imperiall Majesty will yet therein so affectionately further vs, as thereby we may be the better enabled to render that recompense we owe vnto you, whensoever your affaires may any wise require it, and effectually to witnesse the true respect and high estimation we have of Your Imperiall Majesties friendship and fraternall affections towards vs. And thus wishing you, our deare brother, prosperity and glory in all your great designes, we leaue Your Imperiall Majesty to the blessed protection of the Almighty God. Given at our court at Collen, the xxxth day of July, in the yeare of our Lord MDCLV, and the seventh of our reigne.

Your most affectionate brother,  
CHARLES R.

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### *The Royal Veto under Charles II*

BETWEEN the time a bill has passed both lords and commons and the time it is offered for the royal assent, an interval elapses during which the bill may be described as 'on the table'. The rules of parliament provide safeguards for the bill during this interval, which prevent either house from recalling it for any

<sup>8</sup> See 'The Relation of the Lord Culpepers Reception at the Emperiall Citie of Mosco, and his Lordshippis Quitting thereof, anno domini 1650', printed in the *Correspondence of Sir Edward Nicholas*, ed. by Sir G. F. Warner, i. (1886), 182-5.

<sup>9</sup> The loan was 'for three yeares time and no longer', and was 'not in redy money but delivered his Lordship in Corne and Furses': *ibid.*, pp. 184 f.

purpose whatever.<sup>1</sup> Nor can either house, under any pretext, withhold the bill from the royal assent.<sup>2</sup> Once the bill is on the table, its freedom from interference is taken for granted, and its presentation follows invariably.

During the reign of Charles II this recognized rule was twice broken. In one case a bill was stolen from the table a few hours before it was to have been presented.<sup>3</sup> In another case, and the more important of the two, the king himself procured the clerk of the parliament<sup>4</sup> to omit a bill from the list of those that were to have been presented.<sup>5</sup> Both actions, by circumventing parliament, had the effect of a veto without its formal exercise; and as such they deserve notice in the history of procedure.

The incident involving the theft of a bill from the table occurred on the morning of 27 July 1663. The lords were expecting the king to come down to the house during the day to prorogue parliament, and the clerk of the parliament had the bills for the session in a bag placed on the table; but in the course of the sitting he was obliged to inform their lordships that the 'Bill for the better Observation of the Lord's-Day hath been, during the sitting of the house, taken from the table, and is not now to be found'.<sup>6</sup> The *Parliamentary History* speaks of this perplexing disappearance as a 'business of high concernment'; and adds, 'the like being never known or heard of to have been done before'. The lords thereupon instituted an inquiry, which elicited evidence as to the circumstances of the theft, but did not lead to the recovery of the document. The house went through the unusual course of placing all those present upon oath, requiring each, whether lord or assistant, to declare whether he had the bill, or whether he could tell what had become of it.

The evidence of the clerks was taken first.

The clerk of the parliament and the clerk assistant had their oaths given them; who upon the said oaths did aver that the said Bill now

<sup>1</sup> 'It was not in the power of any person to take it off the table': Hatsell, *Precedents* (3rd ed., 1796), ii. 320 n.

<sup>2</sup> 'If the king should come to Parliament in person, every bill which is ready for the royal assent would necessarily be presented to him for assent or rejection and could not be withheld: Sir W. R. Anson, *Law and Custom of the Constitution*, i. (4th ed.) 313. The negative part of this injunction follows the rule laid down by Sir Thomas Erskine May (*Parliamentary Practice*, 1859, p. 452), who in turn derived it from Hatsell (ii. 326 and notes). Hatsell indicates the cases from which the general rule has been developed.

<sup>3</sup> Hatsell, p. 326 n., says 'lost' from the table; but see below.

<sup>4</sup> The duties of the clerk of the parliament and of the clerk of the Crown in presenting bills are set forth in May, ch. xviii.

<sup>5</sup> The author of the calendar of the House of Lords MSS. in the 11th Report of the Historical Manuscripts Commission, says of this bill (no. 305, p. 214) that it is 'noticeable for the curious incident of its withdrawal at the last moment' (Introd., p. viii). It was in fact an unprecedented departure from constitutional usage; and moreover the bill was not withdrawn, but withheld.

<sup>6</sup> Cobbett, *Parliamentary History*, iv. 285.

missing was upon the table, in a bag, this morning, amongst the other bills which were to be presented to the king for his royal assent this day.<sup>7</sup>

Being asked if any of the lords had interfered with the bills upon the table, they deposed

That divers lords were at the table this morning, and did take the bills out of the said bag, and scattered them upon the table; whereupon the clerk of the parliament, taking the said bills into his custody, telling the number of them, found one to be wanting; and immediately examining the titles by list, found the said Bill for the better Observation of the Lord's-Day wanting.

All the clerks then 'did particularly clear themselves'. Suspicion next fell upon the group of lords who had shuffled the bills on the table during the morning. Each member of the house present was called upon by name, but each and all 'did make their purgation'. It was noticed, however, that some lords who had attended in the morning were absent when the call took place. The house may have preferred to believe that the disconcerting loss was due to inadvertence, and that the bill would be returned in time for presentation; yet for greater security the house passed an order

That if any member or assistant of this house hath taken the said Bill and doth not bring it again time enough to have it pass the royal assent this day, this house will proceed against them very severely for the same.

The bill was not returned.<sup>8</sup> The conclusion seems obvious that the shuffling of the papers in the morning was done by design. With some sixty bills thrown about the table, it would be possible to take any particular one without detection. Its absence from the clerk's bag would 'kill' the stolen bill as effectively as though it had been vetoed by the king. With no further evidence beyond this meagre parliamentary record, the question of motive prompting the manoeuvre cannot be discussed. In the Speaker's address to the king at the prorogation—and the irony of the situation must have been apparent to the lords, for the Speaker unwittingly laid particular emphasis in his address upon this very bill—there is nothing to suggest that the bill had been a contentious measure. It may be inferred either that the theft was made in the king's interest, on the understanding that he objected to it, but did not wish to incur the odium of giving his veto; or else that it was done out of spite on the part of some peers who had a grievance against the promoters of the measure. Were the incident alone of its kind in the reign of Charles II the second alternative might be acceptable; but in view of the employment, later in the reign, of a somewhat similar device, which involved the king personally,

<sup>7</sup> *Ibid.*, p. 285.

<sup>8</sup> *Ibid.*, appendix xviii, pp. cci-ii.

the former view seems the more likely. The question of motive apart, it is strange that, with the dignity of parliament compromised by so discreditable a trick, no steps were taken to prevent its recurrence. The incident, however, was passed over, and only recalled when later on parliament was faced by a more open disregard of convention. Then the subterfuge of 1663 was remembered as a precedent, and the two incidents taken together were condemned as innovations in the procedure of the royal assent.

On the subject of the later incident the evidence is fairly circumstantial, so that the facts, the motive, and the constitutional issue raised can be set forth clearly. First of all, as to the occurrence itself. On 26 November 1680<sup>9</sup> the lords received from the commons a 'Bill for the Repeal of a Statute made in the 35th Year of the Reign of Queen Elizabeth'. Slight amendments were made, to which the commons assented. On 17 December the bill was on the table.<sup>10</sup> It remained so until 10 January<sup>11</sup> following, when the king came down to prorogue parliament. When the clerk of the Crown came to read the titles of the bills in his hand, to the amazement of a parliament resentful at the hasty prorogation, it was discovered that he held only three: one, a private bill; the other two, 'An Act for Prohibiting the Importation of Cattle from Ireland', and 'An additional Act for Burying in Woolens'.<sup>12</sup> The one contentious measure of the session that had passed both houses,<sup>13</sup> the bill for the repeal of 35 Elizabeth, was not tendered to the king for his assent.

<sup>9</sup> 13 *Lords' Journals*, pp. 690 *seqq.*, where its stages through the lords are entered. Burnet, *History of His Own Time*, ed. 1833, ii. 273 (ed. 1900, ii. 278), explains the tenor of the bill as understood by him. Ralph (*History of England*, i. 559-60) describes it as a 'persecuting law'. It treated recusancy in certain extreme cases as felony (Pickering, *Statutes at Large*, vi. 424). Except in one single instance the full penalty of the law had never been inflicted. Dr. M. J. Routh in the 1833 edition of Burnet inserts a foot-note to show that the instance the author had in mind was that of Penry. But Penry was indicted under 23 Eliz. c. 2, and executed in the 35th year of Elizabeth's reign, 1593; whence perhaps the editor's confusion. The virtual non-enforcement of 35 Eliz. made its successive re-enactments until 16 Car. I, c. 4, serve no purpose whatever; yet its repeal would have been a concession which the church party was reluctant to countenance. Charles II's displeasure with the dissenting interest accounts for his dislike of the bill, though it does not excuse his interference in its presentation. The author of a pamphlet, *A Short History of the Life and Death of the Act made the 35th of Elizabeth, Cap. I* (by E. W., London, 1681), proves to his own satisfaction that the Act of 35 Elizabeth had lapsed by 24 October 1670. He does this by a quibble on the reviving and continuing force of 16 Car. I, c. 4. The first Conventicle Act, 16 Car. II, c. 4, expressly declared the act of 35 Elizabeth to be still in force.

<sup>10</sup> 13 *Lords' Journals*, p. 719.

<sup>11</sup> *Ibid.*, p. 742; *Parliamentary History*, iv. 1295.

<sup>12</sup> This appears from Shaftesbury's account of the evidence offered before a grand committee of the lords during the short Oxford parliament, as noted below. The *Parliamentary History*, iv, app. xviii, p. cciv, gives a complete list. There were really six bills, the two others being a money bill and a continuance bill.

<sup>13</sup> Parliament was dissolved on 18 January 1680/1, leaving twenty-two bills depending, and eight more not then yet brought in: *Parl. Hist.* iv. 1295.

By anticipating at this point the evidence taken in the next parliament before a grand committee of the lords, it is possible to gather what had actually taken place during the ceremony of this prorogation. From the House of Lords MSS. it appears that on 22 March 1680/1,<sup>14</sup> the day after the new parliament opened, an order was made

for the house to be put into Committee on the following day to examine the business of the Clerk's not presenting, at the late prorogation, to his Majesty for his Royal assent, the Bill for repeal of a Statute made in the 35th year of Queen Elizabeth.

Next day the house met as a grand committee. The clerk of the Crown cleared himself by explaining that bills awaiting presentation were not in his custody, but in that of the clerk of the parliament. At the late prorogation, he said, the bill in question was not handed to him for presentation.<sup>15</sup> The account of the proceedings at the prorogation which the clerk of the parliament gave before this committee was not entered upon the minutes, but was retained by the chairman to be submitted to the house on the following Tuesday, 29 March. But on Monday the 28th, parliament was suddenly dissolved. Fortunately a letter from John Locke to Thomas Stringer gives the substance of this evidence as recalled by Shaftesbury, who had moved for the committee in the first place :

Then the Clerk of the Parliament was examined, who gave this account : that understanding the King came in his robes, he brought the bills : as he was bringing them, he met my Lord Falconbridge, who asked him how many bills he had ; he told him four : he said he heard the King would pass but three of them ; whereupon he went up to my Lord Chancellor, and told him what my Lord Falconbridge said. My Lord answered him, he did not know what the King would do, but he would ask him. The King bid him bring in the bills to the Prince's lodgings to him : then the King took a certain Lord aside, and talked with him in a corner of the room ;<sup>16</sup> after which he came to the Clerk of the Parliament, and told him he would not pass the Bill of Repeal. Then the Clerk asked the King if he should write upon the Bill of Repeal the words the King uses, and which, it seems, are writ upon it when the King refuses a bill : the King said no, but that he should leave it there, and not bring it into the House to be offered.<sup>17</sup>

<sup>14</sup> Parliament opened on 21 March.

<sup>15</sup> *House of Lords MSS., Hist. MSS. Comm. Rep.* xi, app. pt. ii, p. 269, no. 386, annex (a), 22 March.

<sup>16</sup> The lord in question appears to have been Lord Halifax, but the clerk of the parliament was not pressed to reveal his name to the committee : Locke to Stringer, in *W. C. Christie's Life of the First Earl of Shaftesbury* (London, 1871), ii, app. vii, p. cxv.

<sup>17</sup> See the very valuable letter written from Oxford by Locke to Stringer, 26 March 1681, giving from Shaftesbury's information some account of the proceedings in the lords during the short Oxford parliament. The letter is printed by Christie, ii, pp. cxii-v. It is referred to in *Hist. MSS. Comm. Rep.* xi, app. part ii, p. 269 and note.

This evidence, privately reported to Locke, would have been given to the lords on the Tuesday, had not parliament been abruptly terminated the day before. Doubtless the constitutional issue involved would have been dealt with then, and we should have had a resolution or an order upon the point, or else a reprimand of the clerk of the parliament, which would have served the same purpose.

Meanwhile the commons also proposed to inquire into the loss of the bill. The lords had elicited the person at whose charge the direct responsibility for this unprecedented defiance of practice could be laid; in the lower house more consideration was first given to the danger likely to arise from an unreproved innovation in procedure. On Thursday the 24th, three days after parliament had been in session, a motion was made to inquire into the 'Miscarriage of the Bill of Repeal'.<sup>18</sup> It was in the debate of the next day that the probable consequences from this new departure in procedure were discussed. Sir William Jones said: <sup>19</sup>

This matter deserves material consideration, whether in respect of the loss of the Bill, or the shaking of the very constitution of Parliament,—the precedent is of the highest consequence. The king has his negative to all bills, but I never knew that the clerk of the parliament had a negative, if he laid it aside or not. . . . No man that knows law or history but can tell, that to bills grateful and popular the king gives his consent; but if this way be found out, that bills shall be thrown by, it may be hereafter said they were forgotten and laid by, and so we shall never know whether the king would pass them or not. If this be suffered, it is vain to spend time here, and it will be a great matter to find time to redress it.

The members speaking after Sir William Jones expressed themselves in much the same manner.<sup>20</sup> Two of them referred to the loss of the bill of 1663. Thus Sir Richard Temple:

. . . Never anything of this nature was done before, but the bill for the better observation of the Sabbath, in the late long Parliament: it was left upon the table at a conference, and stolen away.

<sup>18</sup> 'Mr. Hopkins made a motion to enquire why the Bill of Repeal of a Statute of 35th Elizabeth, which, in the last parliament had passed both houses, was not presented with the rest for the royal assent.

'Mr. Hampden,—“For my part I look upon it as a breach of the constitution of the government.”

'Sir F. Winnington,—“I doubt this matter will be too big for today; it is of great importance, and will not be forgotten. Be pleased to adjourn the debate of it.”' *Parl. Hist.* iv. 1308.

<sup>19</sup> *Parl. Hist.* iv. 1311. The text in the *Parliamentary History* is followed here, though several other sources are available. One, little known, is a folio pamphlet, *The Debates in the House of Commons Assembled at Oxford March 21st. 1680.* London, R. Baldwin, 1681. The debates in Chandler and Timberland's *Debates, House of Commons*, vol. ii, are very full. Hatsell used Grey's *Debates*.

<sup>20</sup> 'Mr. Boscawen,—“Here is a new way found out to frustrate bills. The king cannot take one part of a bill and reject another, but gives a direct answer to the

And Mr. Vaughan :

. . . I think the passing over the enquiry after the loss of the Bill of the Sabbath was the great occasion of the loss of this. Consider how many great interruptions parliaments have had of late, in the greatest business, by prorogations and dissolutions; and another way to gratify your enemies is to stifle your laws when they have a mind the people should have no benefit of them though they have passed both houses.

The debate concluded—with a resolution 'That a Message be sent to the Lords desiring a conference with their lordships in matters relating to the Constitution of parliaments in passing of bills'.

The lords received the message,<sup>21</sup> and returned an answer to the effect 'That their Lordships will give a Conference as desired, and do appoint the same to be presently in the Astronomy School'.<sup>22</sup> Twelve lords were named to make the report, and the house was adjourned. When the house resumed, the duke of Monmouth reported the conclusions of the conference, which are given in the *Lords' Journals* as follows :

That the Commons have desired this Conference in a Matter relating to the Constitution of Parliament in passing of Bills.

The Commons do find that in the last Parliament a Bill was sent up to your Lordships from the Commons, intituled : 'An Act for the Repeal of a Statute made in the 35th. Year of Queen Elizabeth', which Bill was returned from your Lordships with some amendments, to which the Commons agreed, and signified so much to your Lordships by a Message. And then (according to the usual Course of Parliament) the Bill was left with the Clerk of the Parliament to be tendered to His Majesty for the Royal

whole. But to avoid that, this bill was never presented to the king; a thing never done before."

'Mr. Garroway,—". . . The laying this bill aside is such a breach of the constitution of parliament, that it is vain to pass any bill if this be not searched into. By the constitution of parliament all bills, but Money bills, after they have passed both houses, are deposited in the lords' hands, and it is below you to look after the clerks for this bill."

'Sir Henry Capel,—". . . I know of but three negatives to bills, but by this there is a fourth; which will destroy the government.'" *Parl. Hist.* iv. 1312.

An attack from this quarter must have seemed to the king ungracious, for Hampden, Colonel Titus, Garroway, and Boscawen accepted money from the king (from 300 to 500 guineas each) to keep the dissenting interest 'quiet'. The names with the items accorded to each appear in Dalrymple's *Memoirs*, i. 382-3. The occasion for the distribution of this money is given in North's *Examen*, p. 361.

<sup>21</sup> 13 *Lords' Journals*, p. 755, 26 March. The entry reads: 'A message was brought from the House of Commons by the Lord Dursley and others: To desire a Conference upon Matters of great Importance relating to the Constitution of Parliament in the Matter of Passing Bills.'

<sup>22</sup> According to Wood's *Life and Times*, vol. ii (Oxford Historical Society, xxi), p. 531, under 21 March, the lords met in the Geometry School, the commons in the Convocation House. Luttrell (*State Papers*, i. 71) places the lords in the Divinity School. [The Geometry and Astronomy Schools were on the first floor of the east side of the Schools Quadrangle, north and south respectively of the Great Tower of the Schools.—ED. E. H. R.]

Assent. But, to the great Dissatisfaction and Surprise of the Commons the said Bill was never tendered, nor any Answer given to it.

The Commons apprehending this to be a Great Violation of the Constitution of Parliaments in passing Laws, and of most dangerous Consequence, do think it necessary, and of the highest Importance that the Matter be strictly enquired into, that both Houses may be informed who are guilty of that offence, and who the accomplices therein, that they may receive such condign Punishment as will deter all Persons from the like Practice for the future.

Therefore the Commons do propose to your Lordships that a Committee of both Houses be appointed for the Examination of this Matter.<sup>23</sup>

The lords then ordered : ' That the Matter of the Conference be taken into Consideration on Tuesday next.' But on Monday the 28th, parliament was suddenly dissolved.

The constitutional issue involved in the loss of the Bill for the Better Observation of the Sabbath and the Bill for the Repeal of 35 Elizabeth was never raised again ; indeed it belongs peculiarly to the politics of Charles II's reign. Among the dissenting interest the trick played by the king was long remembered. Burnet's version of the incident formed the opinion of those who read Charles II's reign in the *History of His Own Time*.<sup>24</sup> In 1787, more than a hundred years later, when Mr. Beaufoy was entrusted with the introduction of a bill to repeal the Test and Corporation Acts, he gave a traditional version to the house of commons as follows :

While the bill (The Repeal of 35 Elizabeth) lay ready for the royal assent, King Charles the Second, who . . . always delighted to obtain the most unwarrantable ends by the most despicable means, prevailed upon the Clerk of the Crown to steal the Bill and over-reach the Parliament.

<sup>23</sup> 13 *Lords' Journals*, p. 756.

<sup>24</sup> ' On the day of the prorogation the bill ought to have been offered to the king, but the clerk of the crown, by the king's particular order withdrew the bill.' Burnet, ii. 273 [279, ed. 1900]. Here, of course, Burnet confuses the clerk of the Crown with the clerk of the parliament. Burnet continues : ' The king had no mind openly to deny it : but he had less mind to pass it. So this indirect method was taken, which was a high offence in the clerk of the crown.'

Neal, *History of the Puritans*, iv. 462, repeats Burnet's version almost word for word, but he adds that the clerk of the Crown ' would have been severely punished in the next session if the parliament had not been abruptly dissolved'. Ralph, *History of England*, i. 559-60, writes : ' The Bill to repeal the persecuting law 35 of Queen Elizabeth . . . by a Court Juggle, or as some say by the express Command of his Majesty to the Clerk of the House, was not presented for the Royal Assent. . . . Those who are pleased to assume the venerable title of patriots have given large Scope to their Resentments against the King for this anti-constitutional Proceeding.' The version in Hume, *History of England* (ed. 1854), vi. 176 [viii. 148, ed. 1818], seems obviously based upon Burnet : ' The king passed some laws of no great importance ; but the bill for repealing the 35th of Elizabeth he privately ordered the clerk of the crown not to present to him.'

The Court exulted in the success of the expedient, and thought it a happy way of getting rid of a disagreeable measure.<sup>25</sup>

In attributing the loss of the bill to theft on the part of the clerk of the Crown, Mr. Beaufoy may be confusing the incident of 1680 with that of 1663. Contemporary accounts of the loss of the bill and those based on Burnet's version all err in points of detail, particularly in the part assigned to the clerk of the Crown. Lord Campbell, in his *Lives of the Chancellors*, is the worst offender in this respect.<sup>26</sup> The official account in the *Lords' Journals* and other parliamentary records make possible a more complete and critical version of this unique piece of constitutional sharp practice.

C. E. FRYER.

<sup>25</sup> See a pamphlet, *Debate on the Repeal of the Test and Corporation Act in the House of Commons, March 28th, 1787*, London, 1787, pp. 16-17; *Parliamentary History*, xxvi. 794.

<sup>26</sup> The king, so Lord Campbell writes, 'directed the clerk privately to remove it from the table of the House of Lords, and the prorogation took place without any notice being taken of it. . . . The ministers [in the Oxford parliament] succeeded in getting the meeting of the committee deferred to a distant day, . . . before which the parliament was dissolved': *Lives of the Chancellors*, London, 1857, iv. 215. Both parts of this account are wrong. The clerk did not remove the bill from the table, and the committee sat almost as soon as it was appointed.

## *Reviews of Books*

*Hellenic Civilization.* Edited by G. W. BOTSFORD and E. G. SIHLER.  
(New York: Columbia University Press, 1915.)

THIS book is a collection of extracts from the authorities for Greek history and civilization, translated into English and designed for students who wish to consult the original authorities but are ignorant of the original languages. The extracts are furnished with foot-notes and brief introductions, and are arranged in nineteen chapters: they range from Homer and Hesiod to Pliny and Celsus, and from fifth-century Attic inscriptions to the revenue laws of Ptolemy Philadelphus. There is a short general introduction on sources, and to it as well as to each chapter (except cc. 15 and 19) a bibliography is appended.

The book has undoubtedly considerable merit. The translations are as a rule the standard ones: Jowett's *Thucydides* and Plato, Macaulay's *Herodotus*, Myers' *Pindar*, Jebb's *Sophocles*, Rogers' *Aristophanes*; and the editors claim to have 'revised' or 'verified' or 'improved' these. Their own translations, if not notably elegant, seem as a rule correct and readable. Some words and phrases strike us as unusual, e. g. 'sneak-thief', 'periodology', 'Plataea, Boeotia' (as though it were a postal address in the United States), and the sumptuous word 'repristinate'; the introduction, too, contains some patches of highly-coloured verbiage, but they are happily rare. The bibliographies are very full and useful (with certain exceptions noted below) and supply a real guide to the literature of the subject. They are perhaps rather too elaborate for the class of student who will use the book. But many of the translations will be useful even to the classical student, who will welcome an English version of the Xenophontic constitution of Athens and treatise on revenues, of passages from Athenaeus, and of extracts from Hicks and Hill, from Dittenberger's *Orientalis Graeci Inscriptiones*, Wilcken's *Papyruskunde*, and other less accessible authorities.

But as a whole the book needs drastic revision. The careful reader is at once struck by a curious lack of uniformity, suggestive of haste or carelessness. Thus the bibliographies appended to the first chapter usually give the principal edition of each author and the translation selected for use in this volume. But in the case of Homer no edition or translation is mentioned at all (p. 6). So too with Plutarch (p. 60). Again, we are told that Macaulay's *Herodotus* and Jowett's *Thucydides* are used, but 'revised' or 'improved' by Professor Sihler: why then should the extracts be variously headed 'Herodotus' simply (pp. 65 and 163) and 'Herodotus: Macaulay revised' (pp. 83 and 166)? Or again, 'Thucy-

dides' simply (pp. 66-7) and 'Thucydides Jowett, revised' (p. 246)? No translation of Athenaeus is mentioned in the bibliography (p. 60). One extract is credited to Professor Botsford (p. 74), another to Professor Sihler (p. 326): what then are we to make of 'Athenaeus' unqualified on p. 72? This inexactness may sometimes perplex the English reader, as when for an explanation of Hellenotamiae (p. 289) he is referred to a note where these officials are called Hellenic treasurers.

Again, the book is difficult and irritating to refer to. There is no Index Auctorum at all and only 11 pages of subject-index to 708 pages of text. The pages have only head-lines such as 'General Political Conditions', 'Social Conditions', 'Hellenic Society', without the slightest indication of the century or period to which they belong. The vagueness of these titles is also perhaps responsible for the confused impression which each chapter makes on the mind. Almost anything can be classed under categories so vague as 'Social Conditions' or 'Hellenic Society', and a chapter like the tenth, filled with heterogeneous fragments of Pindar, Plutarch, Aristophanes, Sophocles, and Athenaeus, produces no coherent impression, but only intolerable confusion. The chapters on the Athenian empire and on the Hellenistic kingdoms are better arranged than the others. In chap. iv, entitled 'Government and Political Conditions, 750-479 B. C.', we begin very properly with the first twenty-two chapters of the Athenian constitution of Aristotle and Plutarch's account of ostracism. Then by a startling transition we are made to leap to the letter of Darius to Gadatas and the Persian attempt to conquer Naxos. The chapter should, we imagine, contain some account of the political constitution of Sparta, but that we are never given till we reach the reforms of Agis and Cleomenes in the third century. The Spartan kingship does not even appear in the index. Again, to quote the Spartan *syssitia* as evidence for the Minoan age is apt to mislead, and it is a grave omission that the chapter on 'the state' in the fourth century contains not one extract from Aristotle's *Constitution of Athens*.

The notes, too, are capable of improvement. They are often too short, ill-placed, and full of repetitions: longer notes and careful cross-references would have been more economical and more effective. They are said to be designed 'for the general reader and to represent the minimum of information required for an understanding of the passages'. This general reader, who is, be it remembered, ignorant of the classical languages, is expected to understand, without any note to help him, such words as *gens* (p. 137), *thesmothetae* (p. 139), *Prytaneum* (*ibid.*), *hipparch* (p. 140), *trittys* and *naucrary* (p. 145), *phratry* (p. 158). Some of these are explained later, e. g. *phratry*, in the introduction to the inscription of the Demotionidai, some 300 pages on, but there is no cross-reference to help the reader. Or again, when the 'kings' of the Draconian law of homicide are explained as being perhaps the 'tribe kings', this is *obscurum per obscurius*, without any further explanation. Such a note as that on 'king-archon' (p. 357), 'the chief religious official', is not very valuable. Pliny's catalogue of artists and sculptors is hardly annotated at all (pp. 553-67). The notes frequently repeat one another: five times we are told the value of the drachma in cents, and thrice the

number of drachmae in a mina, but we fail to find in any note the main facts about the Greek monetary systems as a whole.

To interpret to the Greekless Greek civilization from Minos to the Ptolemies in a volume of this size by means of translated extracts, some highly technical, is no easy task, and the book before us, though parts of it will be useful to students, hardly does what it sets out to do. It is at best a confusing collection of particulars. But it is only fair to add that it is designed as a companion volume to a still unpublished 'Hellenic History' by Professor Botsford. This, when it appears, may make these dry bones live.

H. J. CUNNINGHAM.

W. M. LINDSAY. *Early Irish Minuscule Script*. (St. Andrews University Publications, no. vi, 1910.)

*Early Welsh Script*. (St. Andrews University Publications, no. x, 1912.)

*Notae Latinae: an Account of Abbreviation in Latin MSS. of the Early Minuscule Period (c. 700-850)*. (Cambridge: University Press, 1915.)

HENRY BARTLETT VAN HOESEN. *Roman Cursive Writing*. (Princeton, New Jersey, 1915.)

PROFESSOR LINDSAY is one of the most distinguished of the small band of scholars who, working upon lines laid down by the late Ludwig Traube of Munich, have in these last years made real advances in scientific palaeography. Years must elapse before the full bearing of their patient labour is perceived, but it will eventually be found that the mass of facts which they have accumulated with the single purpose of throwing light upon the history of writing in early times has been a factor in solving many literary and historical problems: editors of ancient texts, classical and Biblical, and historians of literature will be taught by such work as this how the documents before them were handed down, and from what ancient centres of learning they were propagated: they will be guided to the source of recurrent errors, and have in their hands the key to a true system of emendation.

The three publications by Mr. Lindsay noticed here are all in the nature of 'collections': they are almost, one might say, in dictionary form; certainly they are not books which can be read from cover to cover, though any one who does set out upon the task will find his reward in many small oases. But they are collections made in the best possible manner, by one whose standards of accuracy inspire the greatest confidence, and whose outlook, though he has for his special purpose restricted it sternly, is that of a scholar of wide sympathies and very great learning.

In *Early Irish Minuscule Script* we have accounts of some twenty manuscripts, with full lists of the abbreviations and syllable-symbols in each, and plates illustrating ten of them. They range in date from the Bangor Antiphony (680-91) to the beginning of the tenth century (Berne, 207). One specimen of the many interesting things which are to be found in this monograph may be cited: Mr. Lindsay shows

that St. Boniface's pocket copy of the Gospels (at Fulda), though it undoubtedly belonged to him, is the work of an Irish scribe. *En revanche* the *marginalia* of the uncial Codex Fuldensis of the New Testament are very likely in the autograph of St. Boniface.

*Early Welsh Script* gives similar accounts, and lists of abbreviations, of some thirteen manuscripts, nearly all of which are illustrated in the seventeen plates. The Gospels of St. Chad at Lichfield stand first: Mr. Lindsay inclines to call the *text* of this (as distinct from later entries) Welsh, and not Irish, as has been the fashion. Berne and Leyden are the only two continental libraries which furnish material here: the Berne MS. 671 (Gospels) contains the two interesting acrostics on King Alfred; they are reprinted here with ingenious restorations. Restore them as we will, however, they remain very indifferent poetry. Cambridge is curiously rich in early Welsh books, contributing four items; the last a very interesting bit of a leaf with a fragment of a *Computus*, acquired quite recently.

*Notae Latinae* is far more comprehensive in scope. On pp. 1-394 (chap. i) an account is given of the *Notae Communes*, the current abbreviation-symbols found in early minuscule manuscripts, excluding all that can be called technical. Chapter ii (395-412) deals with the *Nomina sacra*; chapter iii (413-43) with the *Notae Iuris* and capricious abbreviations. The appendix gives a list, with very brief characterizations, of the manuscripts cited (under the head of Libraries) and two lists of symbols. In each chapter the abbreviations are treated in alphabetical order of words. The list of libraries from which materials are drawn runs to 105. This fact, and a single sentence from the preface, may serve to give some idea of the amount of labour which has gone to the preparation of this book. 'With help from the Carnegie Research Fund, my vacations for the last few years have been spent in amassing the necessary statistics of the libraries of Europe, and now the project has been fairly realized of examining every extant minuscule MS. of the eighth century, and a sufficient number of the first half of the ninth.' Comment would be impertinent, but we have permitted ourselves to italicize. British scholarship has a right to be proud of this wonderful piece of patient discriminating co-ordination of an innumerable multitude of tiny facts, comparable to the rearrangement of the *tesserae* of a mosaic pavement.<sup>1</sup>

Mr. van Hoesen's dissertation on *Roman Cursive Writing* is another book on the production of which very great labour has been spent. All the available monuments of Roman cursive writing (a peculiarly effective instrument for disguising thought) are studied, the alphabet of each is picked out, reproduced in facsimile, and commented upon. The Pompeian graffiti and the lead and wax tablets are also treated, but the bulk of the volume (pp. 32-224) is occupied with the papyri and ostraka, of which between 140 and 150 are examined. The earliest of these are those which

<sup>1</sup> Three little slips may be noted: on p. 5, line 1, Douce 25 should be Junius 25; on p. 461 it should be remembered that Claudius C. vii is still at Utrecht; on p. 478 'the Regina Collection from the library of Queen Christina of Sweden, the booty of Gustavus Adolphus' is misleading. The early Latin manuscripts are mostly in the collection of Paul Petau, bought by Christina at the death of Alexander Petau.

have accrued from Egypt in our own time : the staple material for earlier students was to be found in the Ravenna papyri which were collected and published with great skill and care by Gaetano Marini in 1805. The introductory chapter will be found of interest : ' the reasonable supposition', says the writer, ' seems to be that both uncial and "later" cursive grew directly out of earlier cursive', and not that all cursive grew out of uncial. The first parent, of course, is Capital writing. With this guide through the intricacies of the script, any student ought to be able to decipher and 'place' fresh specimens of Roman cursive, which may be expected still to come in from Egypt, but hardly from other regions. They will almost all be of a non-literary character. The subject-matter of the documents is confined within a narrow range : what is not either legal, military, or commercial is rare ; a catalogue of works of art in Rome, fables of Babrius, a Graeco-Latin vocabulary (nos. 41, 65, 81 in this volume) stand out from the mass of accounts, letters, wills, rescripts, grants, and the like. The leaden tablets often contain *defixiones* or curses, the work of persons who were anxious to 'queer the pitch' for a charioteer in the races. The graffiti are usually improper, as nowadays. For the script itself, I must confess to a mean opinion of it. Plautus very truly said that it resembled the writing of a hen. In modern times it has a congener in the worse forms of German cursive ; *quo quid putidius ?* The writer's standard of accuracy is high, his bibliography excellent, and his method and patience deserving of all praise.

M. R. JAMES.

*The Cathach of St. Columba.* By the Rev. H. J. LAWLOR, D.D., Litt.D.  
(*Proceedings of the Royal Irish Academy*, vol. xxxiii, section C, no. 11.  
Dublin, 1916.)

THIS is one of the few early Irish manuscripts in Ireland which has not been hitherto completely described. Sir William Betham and Bishop Reeves have both told us something about it, and what they have told us has been reproduced by Sir J. T. Gilbert in part i of the *National MSS. of Ireland*, who adds coloured photozincographic facsimiles of four of its pages. It is a Latin Psalter of St. Jerome's Gallican version, exhibiting a few old Latin readings. Unfortunately, in its present state it is incomplete, age and damp having caused the beginning and the end to disappear. It now commences with Psalm xxx. 10 and ends with Psalm cv. 13.

It is contained in a beautiful metal casket or *cumdach* made in the eleventh and mended in the fourteenth century, of which a minute description is given by Mr. E. C. R. Armstrong in appendix i. This sumptuous shrine was made for it because it was traditionally believed to be the autograph of St. Columba, and it was carried into battle, like the Ark of Israel, as a sure presage of a victory that in neither case always came. Hence its name of the 'Cathach' or the 'Battler'. Can the tradition be true ? Can the Cathach have been written in the sixth century ? The question can hardly be answered on purely palaeographical grounds, because its script is unique, and there are no other Irish manuscripts extant to compare it with ; if ever there was a colophon, and there probably was, it has long ago perished, and the text yields no other evidences of

date. It was otherwise with the unique Stowe Missal. The rugged and angular nature of its letters led Dr. Todd at first sight to assign it to the sixth century, an opinion accepted by many writers, both home and continental, until its careful edition for the Henry Bradshaw Society by Sir George Warner. Partly on palaeographical, but still more largely on other internal evidence, he concluded that it must be dated about three centuries later. But in spite of lack of proof, Dr. Lawlor accepts a sixth-century date for the Cathach. After adducing many more or less pertinent arguments at considerable length, he concludes that 'We have very good reason for accepting the conclusion that the manuscript now in our hands is a genuine relic of St. Columba, and that it was written by him on the eve of the battle of Culdremhne' (p. 326), that is to say, in or just before A. D. 561. What is more, Professor W. M. Lindsay, a leading—perhaps the leading—authority on Irish palaeography, who contributes valuable palaeographical notes in appendix ii, agrees with this view. He says:

There seems to be no valid reason why we should refuse to the script of the Cathach the early date which Dr. Lawlor's theory assigns to it. . . . The nature of the script is in keeping with the theory; for it is a half-uncial script reduced in size, and made more flowing (p. 397).

And again, 'There is no known reason to prevent the script of the Cathach being as old as St. Columba's time' (p. 402). If so, there is nothing impossible or even unlikely in the Cathach being the actual copy surreptitiously made by St. Columba of a book belonging to St. Finnian of Druim Finn, and surrendered to the latter by the saint in obedience to the decision of Diarmaid Mac Cerbuill, king of Ireland, which was based on the principle that, as to every cow belongs its calf, so to every book belongs its transcript.

The story is quoted (p. 293) and discussed at length by Dr. Lawlor. Unfortunately, there is a second claimant to the honour of being this particular manuscript, namely the Book of Durrow, or rather, as Dr. Abbott has acutely perceived and pointed out, the original manuscript of which the existing Book of Durrow is a transcript, colophon and all (p. 548). Either the Cathach or the original Book of Durrow may be the manuscript in question, but we cannot accept Dr. Lawlor's extremely improbable suggestion that the honour may belong to both (p. 329). The Durrow colophon is discussed at some length both by Dr. Lawlor and Mr. Lindsay. It runs:

Rogo beatitudinem tuam sc̄e praesbiter patrici ut quicumque hunc libellum manu tenuerit meminerit columbae scriptoris. qui hoc scripsi [mi]hi[m]et euangelium. per xii. dierum spatium. g[ra]tia dñi nr̄i s. s.

The last two letters are a recognized abbreviation of *subscripti*. Mr. Lindsay (p. 403) adduces very strong—all but compelling—reasons for identifying the writer of the colophon with the great St. Columba. But it may be remembered that 'Columba' was not an uncommon name. There are no less than eight Columbas enumerated in the ten months' index to the Bollandists' *Acta Sanctorum*. He also acutely calls attention to the fact that this invocation of St. Patrick destroys the iconoclastic

theory of Professor Zimmer about St. Patrick; adding, 'If Patrick was a bishop, Columba's addressing him as a presbyter requires some explanation'. So it does; but none has ever been offered. Can it be this? A bishop does not cease to be a presbyter when he becomes a bishop. When he assumes episcopal he does not lose presbyteral powers. The greater includes the less. Also the highest dignitaries in the Celtic church were frequently presbyters. St. Columba was presbyter-abbot of Iona. Celtic bishops were not diocesan, and were frequently under the jurisdiction of presbyter-abbots. The Book of Durrow could not have been written before 432, when St. Patrick was consecrated bishop; but might not reference to him as a presbyter linger on a long time after that date in a monastic church, where presbyters often held a superior position to bishops? When examining this manuscript many years ago I noted 'om̄ps' for *omnipotens* in addition to the abbreviations and contractions on p. 203. This was evidently a mistake; but had it been there it would not have helped to date the manuscript, because *omnipotens*, being an epithet applied exclusively to God, ranks among the *nomina sacra*, which on account of uniformity find no place among the long lists of abbreviations supplied by Mr. Lindsay in his *Early Irish Minuscule Script*.

Dr. Lawlor's book is an instance of the reaction which is taking place among leading palaeographers to-day against the tendency of a quarter or half a century ago to assign a later rather than an earlier date to some of the ancient but undated manuscript treasures of Ireland. May we appeal to the New Palaeographical Society to include the Cathach among the manuscripts soon to be dealt with, and to corroborate, or otherwise, the early date assigned to it by Dr. Lawlor, and sanctioned or half-sanctioned by Mr. Lindsay? F. E. WARREN.

*The Ancient Cross Shafts at Bewcastle and Ruthwell.* By the Right Rev. G. F. BROWNE, D.D. With three photogravures and twenty-three illustrations. (Cambridge: University Press, 1916.)

THE controversy about the date of the Bewcastle and Ruthwell crosses has been prolonged by the fact that no one (so far as we know) who has treated of them is competent to speak authoritatively about the two aspects of the problem; the artistic and archaeological side on the one hand, and the philological and epigraphical on the other. It must be remembered that Signor Rivoira's original decision for the twelfth century was based solely on the former class of arguments. In his latest discussion of the subject<sup>1</sup> he has taken some account of the linguistic question, but only in the form of the negative argument that the Bewcastle Runic inscription has been interpreted in too many different ways for any certain date to be based upon it. But is it the fact that we are reduced to this unsatisfactory conclusion? If the artistic evidence is really in conflict with the philological, the latter must surely prevail; for while our knowledge of English art in the seventh and eighth centuries is too scanty to allow us to exclude the possibility of work such as that of Bewcastle

<sup>1</sup> *Burlington Magazine*, xxi. 24.

and Ruthwell having been executed (perhaps by foreigners) in those ages, the evidence of letters and words is more definite and capable of proof. Now there are two points about which we understand that there is an overwhelming consensus of opinion among the linguistic experts: <sup>2</sup> the one is that the philological evidence for an eighth-century date of the Bewcastle inscription is irresistible; the other is that the use of runes for an English inscription of the twelfth century is inconceivable. This being so, the question between the Anglo-Saxon and the Norman origin of the crosses appears for the present to be closed. But as the various pieces of evidence for its date which every work of art contains within itself must ultimately be consistent and tell the same story, the reconciliation between the conflicting points of view must come from finding a place for the crosses in the series of English sculptured fragments which, often from their use as building material in later structures, may be assumed to be of early date. We may add that Professors Baldwin Brown and Lethaby and Sir Martin Conway had already demolished Professor A. S. Cook's attempt to prove that the subjects and motives of the carving on the two crosses do not occur before the twelfth century.

Those who know Bishop Browne's books on English Church History will have no doubt as to which side he takes in the controversy. In this enlarged edition of his Rede Lecture (1916) he has brought together and discussed nearly all that has been written on the subject. We say 'nearly all' because he occasionally lays himself open to the charge of not telling us the whole story. He rebukes Signor Rivoira for saying that it is 'mere guess-work' to identify the Yarm cross with the memorial of Bishop Trumbercht (p. 24), but he does not add that the other authorities think that name out of the question. And when he compares (p. 46) the Madonna relief in York Minster with the figures on the crosses, he does not tell us that the descriptive label attached to the cast in the Victoria and Albert Museum suggests an alternative date in the twelfth century. But Bishop Browne is a diligent and acute observer and controversialist, and his book is a useful contribution towards the settlement of the question. Time alone will show whether the seventh-century date for which he contends can be maintained. For it must be remembered that the opponents of a twelfth-century date are by no means agreed among themselves.

G. M.C.N. RUSHFORTH.

*Il Regesto di Farfa di Gregorio di Catino.* Pubblicato da I. GIORGI e UGO BALZANI. Vols. i, v. (*Biblioteca della R. Società Romana di Storia Patria.* Rome, 1914, 1892.)

IT is more than twenty-six years since I drew attention in this *Review* to the importance of this splendid edition of a chartulary of the highest rank in diplomatic and historical interest, if not also in antiquity.<sup>1</sup> Three volumes, ii-iv, had then been published between 1879 and 1888. When the fifth volume appeared in 1892 I reserved it for notice in company with the first, the publication of which was shortly expected. Circum-

<sup>2</sup> I have to thank Mr. W. H. Stevenson for making this clear to me.

<sup>1</sup> *Ante*, v. 581-5 (1890).

stances, however, prevented its issue until twenty-two years had passed, and it did not reach my hands until some months after the death of its junior editor in February 1916. This is not the place to speak of Count Ugo Balzani's wide intellectual activity or of the great undertakings which owed much to his stimulating influence; he was a mainstay of the Società Romana di Storia Patria and of the Istituto Storico Italiano, for the latter of which he brought out a valuable edition of the Farfa Chronicle, the fruit of prolonged and exact study, in two volumes in 1903.<sup>2</sup> But I cannot refrain from adverting to the unique position which the count occupied with regard to English scholars who visited Rome. Many who enjoyed his friendship will cherish a grateful memory of unnumbered acts of kindness, of the generous help which he was always ready to place at their disposal, and above all of the sincere and noble character of the man.

The first volume contains a preface, followed by elaborate indexes of places, persons, and *cose notevoli*, with a short glossary. At the end are the first draft of Gregory of Catino's preface to the Register and the indexes which he himself compiled, followed by two documents which he inserted on a blank page before the beginning of the Register and six which were entered in the book after Gregory's time. The first part of the preface is the work of Count Balzani, who treats of the materials for the early history of Farfa and of Gregory's life and writings. Here, as he confesses, he necessarily repeats a good deal which he had already published in his preface to the Farfa Chronicle and in his excellent survey of medieval Italian historiography.<sup>3</sup> But the edition would have been incomplete without an introduction of this sort, and that which Count Balzani has supplied is admirably lucid and informing. In the second part Commendatore Giorgi discusses 'la paleografia Farfense', the library and archives of the monastery, and the structure of the manuscript of the Register. This last section is a careful piece of work, showing how the composition of the volume came to be disturbed by insertions. As for the palaeography, the writer will probably not find many scholars to agree with him that the 'Caroline' minuscule was of Roman origin (p. xxx); and we may observe in this connexion the emphasis with which Count Balzani traces the literary traditions of the Sabine house to sources beyond the Alps (pp. ix, x, xvii). Nor should we agree that there is much evidence of the wealth of the library at Farfa (p. xxxv); the possession of a Priscian and an Ovid is hardly 'notevole' (p. xxxiv). What is remarkable is the preservation in the archives of something like two thousand charters at the beginning of the twelfth century.<sup>4</sup>

It would be inappropriate at this date to attempt a review of vol. iv. Its contents have long been the common property of scholars, and have been justly estimated by them. But a few points may be noticed which have been suggested to me by a renewed examination of the volume. It has the special interest that perhaps all the 327 documents contained

<sup>2</sup> See *ante*, xix. 759-62 (1904).

<sup>3</sup> *Le Cronache Italiane nel Medio Evo* (3rd ed., Milan 1909), pp. 106-10, 149-58, 201.

<sup>4</sup> The Register contains 1,300 documents. Its supplement, the *Liber Largitorius*, is said by Count Balzani (p. xxiii, n. 3) to include 410, but Commendatore Giorgi reckons these as about a thousand (p. xxxvii).

in it were written during the lifetime of the compiler. The first piece, no. 997,<sup>5</sup> may be earlier than his birth, but it in fact belongs to a miscellaneous group of charters which run from no. 992 in the previous volume. For the rest the chronological arrangement of the documents seems to me to be much less disturbed than appears at first sight. Commonly such irregularities as occur may be accounted for by miswriting of dates or the use of an incorrect table of indictions. For example, no. 1002 is dated in October 1062 in the ninth indiction; but that would be in the first indiction. Moreover, the charter stands in close relation to no. 988, of May 1069, and from its terms must be placed a little later than that document. If *lxii* is a mistake for *lxx* and the date is corrected to 1070, we not only bring the charter into agreement with the indiction, but also put it very nearly into its proper place in the chronological series. Again, no. 1024, 1025, dated September and May 1074, stand between documents of 1077 and 1079; both are assigned to the second indiction: but this ran from September 1078 to August 1079; we may therefore suggest that *lxxiiii* is miswritten for *lxxviii* and *lxxviiii* in the two cases. No. 1031 is dated in October 1077, in the second year of Gregory VII and the fourteenth indiction; these latter dates denoting the years 1074 and 1075 respectively: but *lxxvii* is an easy slip for *lxxviii*, and so is *xiiii* for *xiii* in the indiction. As the charter was transcribed with the date 1077, it was naturally inserted under this year in the register. In like manner no. 1058, which the editors assign with reason to 1073, bears the date of 1081, and is consequently arranged after the documents of 1080. There are instances in which the indiction seems to have been altered to suit a false date of the year. Thus no. 1070 is dated in July *regnantis domni Heinrici imperatoris in Hitalia anno ij<sup>o</sup>*, that is, in 1085; but the year is given as *mlxxxii*, the *ii* being clearly a mistake for *u*. From this the indiction was apparently emended as the fifth instead of the eighth. The misreading of *u* as *ii* may account for a good many other discrepancies in dates; e. g. in no. 1035, where the year 1093 should probably be 1096. It is also possible that the Florentine mode of reckoning the year from 25 March, which is found at Rome from the closing years of the eleventh century, may account for some discordant dates, as for instance in no. 1140.<sup>6</sup>

We agree with the editors that the indictions are, on the whole, a less secure guide than the years of grace. Sometimes they attempt to produce harmony between discrepant notes of times by assuming the indiction to be not the time-honoured indiction of September but the 'Roman' indiction of Christmas. No doubt the latter was gradually coming into use; but it need not be postulated in such a case as no. 1083. The same notary has dated no. 1079-81, all of June 1083, in the fifth instead of the sixth indiction. When in no. 1083 he reaches September he auto-

<sup>5</sup> I cite the editors' numbers printed in arabic figures, not the roman numerals of the manuscript.

<sup>6</sup> The date, 1083, of no. 1077 was emended by Muratori into 1081. But in fact it belongs to a group of charters which are of importance as fixing with certainty the movements of Henry IV in the early summer of 1083. They were printed by Giesebrecht, *Gesch. der Deutschen Kaiserzeit*, iii. (ed. 4, 1877) 1257 ff. His correction of *Vercellensis* for *Aureliensis* in no. 1077 deserved noting.

matically passes to the sixth indiction. There is no reason for supposing that he suddenly adopts the Roman indiction; he simply continues his old mistake. The vagaries of a tribe of notaries at Ponte in the duchy of Spoleto defy emendation. They make Henry IV emperor in 1057 (no. 862), 1077 (no. 1030), and 1080 (no. 1046).

Gregory's own work ends about half-way through the volume, when he had transcribed the documents of 1099 and finished nearly seven-eighths of the whole chartulary. Then he handed over his task to a cousin, one Todinus (pp. 161 f.). For twenty years the order of time is fairly preserved, though the continuator was less careful than his kinsman; for instance, he makes the emperor Henry V king in 1113 and 1116 (no. 1166, 1198). But after having written out these thirty-three documents, Todinus loses all regard for chronology. He had evidently come upon a mass of documents which had not been arranged. At first they are chiefly of the eleventh century; then there is a group of seven belonging to the eighth (no. 1222-8); afterwards the documents fluctuate between the tenth and the beginning of the twelfth. Then (no. 1280) we have lists of tenants and a terrier (pp. 254-79). After this the documents are again presented with no sort of arrangement. We do not find ourselves with certainty at the date 1119, which was abandoned with no. 1088, until we reach a narrative inserted after no. 1319. The last fifteen pages follow in regular sequence.

We have mentioned the ample indexes furnished in the first volume. If anything could be added to them, it would be a list of notaries with the limits of date within which documents are assigned to them. Such a list would almost certainly help to solve a number of chronological puzzles in the manuscript, and we hope that some student may be encouraged to undertake a task which would increase the usefulness of this monumental edition.

REGINALD L. POOLE.

*The Foundation of the Ottoman Empire: a history of the Osmanlis up to the death of Bayezid I (1300-1403).* By HERBERT ADAMS GIBBONS, Ph.D. (Oxford: Clarendon Press, 1916.)

THE most important of recent contributions to the history of the Ottoman Turks, in the English language, have come from the pens of American writers. Dr. Lybyer's *Government of the Ottoman Empire in the time of Suleiman the Magnificent* (Cambridge, Massachusetts, 1913) is based on a study of the valuable Ottoman collection in the library of Harvard University, and in the work under review Dr. H. A. Gibbons has devoted to the first century of Ottoman rule a still vaster range of learning. Besides using the collections of historical sources for Byzantine, Venetian, Genoese, and Hungarian history which have already been printed, he has gone to that rich storehouse of materials for Turkish history, the Archivio in Venice, and has worked at manuscripts in Paris and Vienna. In addition to the commonly-known European languages, he appears to be able to read Russian, Serbian, Hungarian, and modern Greek. His lack of acquaintance with oriental languages he has in some measure supplied by using unpublished translations of Muhammadan authorities, available in the

Bibliothèque Nationale, particularly Feridun's collection of diplomatic correspondence, which has hitherto been little studied by Christian writers. Had he been able to consult oriental works in the original, he might have avoided a certain number of errors, but these are trifling blemishes in a work that mainly belongs to European history, for which the most important and most detailed sources are to be found in the writings of Christian authors.

Dr. Gibbons has had many predecessors, but no previous historian has made so minute a study of the first century of Ottoman history, nor drawn his materials from so exhaustive a survey of the widely scattered sources. He states it to be

one of the principal tasks of this book to correct the fundamental misconception of the foundation of the Ottoman Empire, which has persisted to this day. It seems to be a pretty generally accepted idea that the Osmanlis were a Turkish Moslem race, who invaded Asia Minor, and, having established themselves there, pushed on into Europe and overthrew the Byzantine Empire. Nothing could be farther from the truth. The Osmanlis were masters of the whole Balkan peninsula before they had subjugated Asia Minor as far as Konia! (p. 30).

In two valuable appendices he refutes the commonly accepted account of the foundation of the Ottoman empire, which represents Osman as dividing the inheritance of the Seljuks with nine other Turkish princes and erecting on the ruins of the Seljuk empire in Asia Minor the one that is still called after his name; he shows, on the contrary, that Osman founded his emirate in Asia Minor by attacking and conquering the remnants of the Byzantine possessions along and in the hinterland of the Bosphorus and the Sea of Marmora, and that the emirate of his son, Orkhan, was but one of upwards of thirty independent states in Asia Minor, several of which successfully resisted the Ottoman aggression long after Adrianople had become their capital.

Thus for more than a century the main field of the Ottoman conquests was in the Balkan peninsula, and the extension of their power in Asia was the indirect result of their successes in Europe. In telling the story of these conquests, Dr. Gibbons frequently emphasizes the fusion of races that soon made the Ottomans, with their marvellous power of assimilating the most diverse elements, one of the most cosmopolitan peoples in the modern world. Many years before him Edward Gibbon (ch. lxxv), in one of his pregnant sentences, had made reference to this fact: 'But this original drop' (of Osmanli blood) 'was dissolved in the mass of voluntary and vanquished subjects, who, under the name of Turks, are united by the common ties of religion, language, and manners'; but as he, like most other historians, passed rapidly over the period of the early Ottomans, it has been left to the author of the work under review to add the details of how Greek, Serbian, Bulgarian, Albanian, Wallachian, Hungarian, and others contributed their quota to this conquering race. He has also collected an interesting series of examples showing how abundant was the aid given by Christian troops to the Turkish arms. John V. Palaeologus promised to furnish Murad with a contingent of 12,000 soldiers and joined him in besieging Philadelphia, and later sent large bodies of Greek troops to assist the Sultan in his

invasion of Karamania; on the latter occasion, Lazar, prince of Serbia, supplied a contingent of his own troops for the same purpose. As Christian troops crossed over into Asia at the bidding of the Turkish Sultan, so in the conquest of the Balkan peninsula the Ottomans relied on the help of their Christian allies. Bayezid pitted against the Hungarians the trained soldiery of his Christian vassals, Greeks, Serbians, Bulgarians, and Wallachians; when Sigismund invaded Bulgaria in 1392 he would have annihilated the Ottoman army but for the resistance offered by the Wallachians; the bulk of the Ottoman forces that took Tirnovo by storm in 1393 and brought to an end the independence of Bulgaria was composed of Macedonian Christians; and at the battle of Nicopolis (1396), when the proudest chivalry of France suffered defeat, it was the Serbian reinforcements that won the day for the Ottomans.

Dr. Gibbons writes with a freshness and a vividness of characterization that are in pleasing contrast to most works dealing with the same period, and he makes the commanding figures in early Ottoman history—Osman, Orkhan, and Murad—stand out as living personalities. At the same time he does not shrink from minute investigation of details, and he has embodied in his notes valuable results of patient research; he has had moreover the advantage of having traversed much of the ground on which the house of Osman rose to power.

A more intimate acquaintance with Muhammadan history would have saved him from some errors. It is strange that a trained historian should be ignorant of the elaborate rules for the criticism of historical sources elaborated by the Arab historians; in reference to a story of Neshri, he states that 'it is one of the very few instances where an Oriental historian has taken the trouble to connect his facts with what might be termed an original source' (p. 21). Reference to Goldziher's *Muhammedanische Studien*, or to Prince Teano's *Annali dell' Islam*, will lead him to form a more favourable judgement of oriental historians. The author seems to be unaware, or at least he makes no reference to the fact, that the general restriction of military service to Muhammadans and the imposition of a special tax (the *jizyah*) on Christians in consideration of their exemption from military service formed a part of the organization of the Muslim state from the earliest period. His language (p. 76 med.) seems to attribute this institution to the creative genius of Orkhan. Nor is it correct to say that the Musalman was exempt from taxes, as under the Ottoman system the land taxes were the same for Christians and Musalmans, to say nothing of other financial burdens. Similarly, the grant of self-government to the various non-Muslim communities<sup>1</sup> had been the practice of Muhammadan rulers for centuries before Muhammad II conquered Constantinople, but Dr. Gibbons appears to credit the conqueror with the invention of this political measure. He attributes the creation of the corps of janissaries to Orkhan (p. 117), but in this, as in so many other matters, the Ottomans incorporated into their own system of government a practice which they learned from the Byzan-

<sup>1</sup> 'Community' is a better equivalent of *millet* than 'nation'; the Christians formed one *millet*, the Jews another; the word implies community of religious belief rather than of race.

tine rulers whom they had displaced. He gives an eloquent vindication of the toleration of the early Ottomans, 'the first nation in modern history to lay down the principle of religious freedom as the corner-stone in the building up of their nation' (p. 81), but a study of the *Annali dell' Islam* would have saved him from the error implied in the contrast he suggests with 'the propagation of Islam by the sword under the early Khalifs' (p. 73).

In a later edition it is to be hoped that the author will ask some orientalist to transliterate Muhammadan names in accordance with some consistent system, and no better one can be adopted than that which was published by the International Congress of Orientalists in 1894, after consultation with all the Asiatic Societies in Europe. This scheme of transliteration is printed at regular intervals in the *Journal of the Royal Asiatic Society*, and it is time that English writers should take advantage of it, so that an end may be put to the bewildering confusion in the transliteration of oriental names, of which Dr. Gibbons himself complains (p. 46, n. 6). He frankly recognizes the difficulty in his preface: 'There was the effort to be as consistent in spelling as sources and authorities would permit. But where consistency was lacking in originals, a consistent transliteration sometimes presented difficulties with which I was incompetent to cope.' But the remedy is easy to find, namely, to represent each letter in the Arabic alphabet by a corresponding and invariable English letter, and to decide at the outset, in the case of those letters which are differently pronounced by Arabs or scholars of Arabic, and Turks, which pronunciation is to be adopted. To attempt to transliterate 'the spoken word' in the case of the names of historical personages can only lead to confusion. Dr. Gibbons's lack of system leads him to write Abul Faradj on p. 26, but Aboulpharadji on pp. 320, 325; Abul Yussif (p. 182), Aboul Youssof (p. 325); Ibn Batutah (p. 279) and Ibn Batoutah (p. 343) should be Ibn Battutah. In the next edition it is to be hoped that he will avoid such monstrosities as Sheir (p. 28) for Shahr, *tchaousches* (p. 84) (why not write *chaushes*, as his fellow-countryman, Dr. Lybyer, does?), and *Kyachfaddyounoun an atamy alkontoub alfounoun* (p. 340) as the title of Haji Khalifa's great bibliographical dictionary. It is unfortunate that in a work to which has been devoted the labour of many years, mistakes should occur which appear to be due to lack of careful revision when it was passing through the press. The name of the great humanist generally referred to, under the Italianized form of his name, as Francesco Filelfo appears (p. 79, n. 3) under the hybrid form Francis Fielphus. Colonel Yule deserves a better fate than to appear as H. Yale (pp. 349, 365). Similar careless mistakes are Vewfik (p. 354) for Tewfik, Makrisi (p. 348) for Makrizi, Ghizatheddin (pp. 270, 272) for Ghiyatheddin, Gazan (p. 26) for Ghazan (p. 36), Kantitz (p. 183) for Kanitz. The name of the same author sometimes appears correctly spelt in one place, incorrectly in another; e.g. Febure (p. 337) becomes Febre (p. 157); Vanel (p. 364), Vanell (p. 25); Florinsky (p. 337), Fiorinsky (p. 90); Szentkláráy (p. 324); Skentkláráy (p. 221).

In his bibliography, Dr. Gibbons has exposed himself to much the same criticism as he passes on Muralt's *Essai de Chronographie Byzantine*:

'There is a wealth of erudition and research in this work. The bibliography, however, is very unsatisfactory, and one is frequently puzzled in verifying important references.' Much of it, too, is valueless for the purposes of the student of Ottoman history, and no useful purpose is served by enumerating compilations, such as D'Herbelot's *Bibliothèque Orientale* (Paris, 1697), which have long been superseded. A number of works are included which have no connexion at all with the subject-matter of the book, and among these the student might hunt in vain for J. Karabacek's article, *Das angebliche Bilderverbot des Islams* (which is stated to have been published in Vienna in 1876), since it appeared in a journal *Kunst und Gewerbe*, printed in Nürnberg. Karamianz (p. 345) catalogued the Armenian, not the Arabic, manuscripts in the Royal Library, Berlin. The *Rawzat al-Abrār* by Abdul Aziz, which is stated (p. 325) to be 'unpublished and untranslated', was printed at Bulaq in 1833. A manuscript of the Arabic original of the history of the Ottoman conquests by Qutb al-Dīn Muḥammad at Makkī is to be found in Vienna (v. Flügel's Cat., no. 977); Dr. Gibbons mentions only the Turkish translation. The latest edition of Yule's translation of Marco Polo—by M. Henri Cordier (1903)—is omitted from the bibliography (p. 349). Bergeron's translation of the Travels of Benjamin of Tudela has been superseded by that by A. Asher, printed in 1840-1. These are a few indications of the need of a careful revision of this bibliography, which it will no doubt receive in a later edition.

T. W. ARNOLD.

*The Black Book of Southampton.* Transcribed and edited, with translation, introduction, notes, &c., by A. B. WALLIS CHAPMAN, D.Sc. (Southampton Record Society.) 3 vols. (Southampton: Cox & Sharland, 1912-15.)

THE Black Book is later in date and less interesting in contents than the Oak Book, which was edited for the Southampton Record Society in 1910-11.<sup>1</sup> It contains no document earlier than 1388, and nothing that throws so much light upon the growth of the borough constitution as the Anglo-Norman gild ordinances of the Oak Book have done. The Black Book was mainly devoted to the enrolment of conveyances and releases of land laid before the town court, wills in which the town had an interest, and other similar documents. In the days when free conveyance was a borough privilege, enrolment was the rule, but as Tudor legislation extended this facility of transfer to the country at large and allowed registration at Westminster, local enrolment became less necessary and tended to disappear. The last entry of the kind in the Black Book is dated 1564. A few documents of a more general description are inserted from this point down to 1620, and they are not wanting from the first. Interspersed among the private enrolments are a number of town ordinances, the early charters of Andover, and the documents relating to Southampton's share in the *Intercursus Magnus*. In her excellent introductions Miss Wallis Chapman brings together the information which this scattered material affords for the constitutional and economic history

<sup>1</sup> See *ante*, xxix, 559.

of the town in the fifteenth and sixteenth centuries. The mayor, who for a century and a half had been primarily a gild official, the bailiffs presiding in the town court, was made president of the court by the charter of 1401, and the fusion of the gild and borough organizations was now complete. This court, of which the local court of Piepowder appears to have been only a special sitting, is always called 'the King's Court' from 1410, and 'the common court of the King' from 1413.

Southampton has been instanced by Mrs. Green as a borough, the government of which became thoroughly oligarchical in the fifteenth century. The formulæ of the documents of that period do not support this view, and the editor gives reason for believing that the exclusion of the commonalty belongs rather to the next century, and is connected with the collapse of the town's trading prosperity in the Tudor age. Southampton's medieval trade was mainly with the great Italian merchants, the Genoese, and afterwards the Venetians. Miss Chapman contends that Henry VIII ruined Southampton by forbidding the Venetians to export English wool, on the ground that they were too friendly with the pope. This was no doubt a severe blow to the port at the moment, but were not other causes at work which would in any case have brought this Italian trade to an end? However this may be, Southampton fell on evil days, for any hopes of compensation from her Spanish and Portuguese trade were destroyed by the breach with Spain under Elizabeth.

The transcription and translation of the documents have been done with care, and attain a high standard of accuracy. The former was mainly the work of Miss Sims.

JAMES TAIT.

*Court Rolls of the Honor of Clitheroe.* Volumes ii, iii. Translated and transcribed by WILLIAM FARRER, Hon. D.Litt. (Edinburgh: Ballantyne Press, 1913.)

THE prevalent ideas regarding the organization of the manor in the sixteenth century are somewhat vague; hence the publication of these Court Rolls is both timely and welcome. An additional interest is attached to the records in so far as they throw light on the social and economic conditions prevailing in a somewhat isolated quarter of England. These documents, with the exception of a few preserved in the Record Office, are deposited at Clitheroe Castle, and hence to many would be inaccessible. When to this is added the fact that these Court Rolls are most admirably translated and indexed, it is at once evident that valuable material respecting the later history of the manor is offered to students.

The Court Rolls produced in vol. ii deal solely with the Halmoots of the manor of Ightenhill, the sequence of these rolls running unbroken from 1507 to 1567. There are also a roll for 1425 and four rolls representing the earlier years of Henry VII. Volume iii contains the rolls of the two manors of Accrington and Tottington, the series of the former corresponding with that of Ightenhill, while the latter, although continuous from 1507, includes only one earlier roll, for 1504.

The Halmoots of the Honor were usually held twice a year. Originally the moot for the manor of Ightenhill was held at Burnley, but in 1524

this court was divided, probably for convenience, one court being held at Burnley and the other at Higham. Doubtless to preserve the homogeneity of the Honor, the courts of Accrington were held about the same time as those for Ightenhill; indeed it is easy to discover many cases in which four courts were held on successive days. It is vain, however, to seek some traditional meeting-place; the men of Ightenhill declare that it is lawful to hold the court in whatever house the king would choose, while the jurors of Tottington continually present that they have no house in which to hold the court. To these courts as suitors come the landholders within the various manors, but to Tottington came others. Within the fee of Tottington lay the townships of Bury, Middleton, Chatterton and Foxdenton, and Alkrington, to the Halmoots of which the judges, constables, and 'the liegemen' of these places owed suit. The number of liegemen from each township was four, except that from Alkrington came two; and at Bury at any rate this custom was old: in 1514 it is stated to have been so time out of mind. Is this a survival of the reeve and four men? In the absence of further information there can only be speculation; but nevertheless this custom is not devoid of interest.

The land of the manors shows a great preponderance of copyhold over freehold, the holders of the former holding by inheritance or for lives. In the earlier rolls there is little conveyancing, but towards the middle of Henry VIII's reign the records show that surrenders and admittances provide a large part of the business of the courts. From the continuous records of the Halmoots it is theoretically possible to trace with some degree of certainty the successive possessors of a parcel of land. Practically this proves most difficult; subgrants and partial feoffments, together with vague descriptions of the holding, hinder one's attempts to obtain a sequence of holders. It is in connexion with this phase of the rolls that the appendix becomes a valuable assistance. From four rent-rolls, for 1527, 1539, 1608, and 1662, it is possible to ascertain that the total number of holdings was almost doubled while the sums total of the rents remained unaltered.<sup>1</sup> As throughout this period there was a gradual depreciation of the currency, land in the Clitheroe district was cheapening, and this may in some measure account for the increase in tenures. This increase in tenures meant more business in the Halmoots and incidentally produced greater profits; but although some occasionally engaged in a flutter, there was no wholesale trafficking in lands. The tenants of the manors were not burdened with excessive rents or dues, the customary copyhold rent being but fourpence an acre, while sixpence an acre was charged for new enclosure. In addition no heriots were paid: on the death of A, his son B paid the usual fine on admittance, that is one year's rent.<sup>2</sup> But rents and fines do not exhaust all the claims made upon the landholder, for boon-work is still being exacted. That reference to such dues is not more general cannot be considered as an

<sup>1</sup> The Court Rolls for the Newark Soke for the reign of Queen Elizabeth reveal much transfer of land; the entries relating to the surrenders and admittances of the same swell the rolls to a great bulk. But the actual number of holdings appears to remain stationary.

<sup>2</sup> Other manors in the Duchy, such as Wirksworth and Ashbourne in Derbyshire, were like favoured. (Duchy of Lancaster Spec. Comm. 1106a.)

indication that they have become almost obsolete; on the contrary, the laconic statement 'the usual boons' leads one to suspect that the nature of these was so well known that further reference was unnecessary. Nevertheless the statement is welcome that these included 'one day's shearing, one day's mowing, one day delving turf and two hens yearly'.<sup>3</sup> If however there is little mention of boon-days, there is much mention of mill soke; all the mills with the exception of Tottington, which was let to farm, belonging to the sovereign. Tenants are required to render suit to the mills, and constantly there are presentments for default of service, and cross charges of excessive toll or refusal by the miller to grind corn. At Accrington in 1559 there is an isolated case of a supervisor of the mill being elected.

It is only possible here to deal in a general fashion with these rolls, and many facts and problems of great interest must be left unmentioned. With a little ingenuity and patience much may be learned respecting the tenures and economic arrangements of the Honor, but the results will largely depend on the perspicacity of the student. S. A. PEYTON.

*Jean Bodin, Auteur de 'La République'.* Par ROGER CHAUVIRÉ. (Paris: Champion, 1914.)

*Colloque de Jean Bodin des Secrets cachez des Choses Sublimes (traduction française du Colloquium Heptaplomeres).* Par ROGER CHAUVIRÉ. (Paris: Société du Recueil Sirey; Champion, 1914.)

THIS is one of those solid contributions to learning that we have come to associate with the Paris doctorate—a volume of 500 pages, devoted to the life and writings of a single author, and, taking the place of the old Latin thesis, a critical edition of a portion of those writings. Bodin is not, like Aristotle and Montesquieu, a classic. As M. Chauviré well points out (pp. 486–502), the style and composition of *La République*, with its rambling, loose-jointed sentences, its innumerable digressions, its parade of ill-digested learning—the usual characteristics of ordinary sixteenth-century prose—are fatal to its survival as a work of general interest. But as a political philosopher Bodin still holds an honoured place, while his life and writings have considerable importance as bearing on the political and religious controversies of his day. Seeing then that the only book which covers the whole subject, Baudrillart's *Jean Bodin et son Temps* (1853), appeared more than half a century ago, M. Chauviré's volumes will be welcomed by students alike of political theory and of the sixteenth century.

As a contribution to political science, Bodin's principal work has often been discussed by writers on that subject. But one would have welcomed

<sup>3</sup> At Goxhill (co. Lincoln) in 1647 the customary works included cart boons, hay boons, harrow boons, sickle boons, and twenty-two cocks and sixty-three hens yearly called 'stocke hens': Parl. Surveys, Lincoln, 18, Public Record Office. It is probable that these hen payments are survivals of church scot. A case occurs at Blewbury in Berkshire, in which the custom continues in the time of James I: 'Every customary tenant within the manor is to give for every messuage three young hens in kind of ninesset in their stead, at the feast of St. Martin the Bishop in wynter in the name of Chesset money or rather Churchet as I think:' Misc. Books, 157, P.R.O.

a rather fuller discussion by M. Chauviré of those topics which are generally regarded as Bodin's chief contributions to political thought, namely, the theory of sovereignty and the influence of climate on national character and government. In this latter connexion a reference might have been made to the interesting remarks of Comynes. The following chapter—*La Politique Contemporaine* (pp. 388–471)—is one of the most important in M. Chauviré's book, throwing, as it does, much light on French political history and thought during the controversial period of the religious wars. Book iii is occupied with a full discussion of Bodin's sources, grouped under the heads of antiquity, middle ages, and sixteenth century, by far the fullest discussion being reserved for the last of these divisions, in which Bodin's debt to Claude de Seyssel, the author of *La Grant Monarchie de France*, Michel de l'Hôpital, Hotman, Du Mornay, and the other pamphleteers of the period is duly set forth. In common with most of these, he not only cites freely from Old Testament history, but, as M. Chauviré points out, he seems to be acquainted with nearly the whole range of Jewish literature—with the Talmud, the Kabbala, and with the great medieval commentators, like David Kimhi, Aben-Ezra, and Maimonides.

Bodin was a distinguished *Politique*, but he advocated religious tolerance on philosophical as well as political grounds. His own religious opinions are a matter of some uncertainty. It has been said, on the authority of Chapelain, that his mother was a Jewess, but we do not even know her name, and the story may have been invented to account for his thorough knowledge of Hebrew. It may or may not be true that he lived for a short time at Geneva, but his letter to Jan Bautru, which M. Chauviré accepts as authentic, shows that when it was written, about 1562, he cherished strong Protestant sympathies. But M. Chauviré believes that soon after this he began to move in the direction of natural religion, that is to say a sort of philosophical deism, much like that of the Vicaire Savoyard. All we know for certain is that, whatever his private beliefs, he conformed outwardly to the Catholic faith. It is from his posthumous Latin work, the *Colloquium Heptaplomeris*, that we can best gather what he really thought on religious matters, and M. Chauviré has done well in editing with a critical apparatus, which is both learned and scholarly, a part of a French version which was made in the sixteenth century. The *Heptaplomeris* was known to several persons in the seventeenth century, notably to Guy Patin, Gabriel Naudé, Grotius, Leibnitz, Chapelain, Huet, Bayle, but it was not till the following century that manuscripts of it became fairly common. In 1841 Guhrauer published the Latin text of part of the work with a detailed analysis in German of the rest, and in 1857 Noack printed the whole Latin text in an edition which M. Chauviré shows to be very far from satisfactory.

Of the seven persons who take part in the dialogue, three are Christian—a Roman Catholic, a Lutheran, and a Calvinist—and four are non-Christian—a Jew, a Mohammedan, a sceptic who holds that any religion may be true provided that it is sincere, and a believer in natural religion. Though Judaism, in the person of Salomon, is treated with great respect, it is Toralba, half-mystic, half-rationalist, who, while denying the divinity

of Christ, is in his way devoutly religious, that seems most nearly to represent Bodin's own views. It is at any rate clear that Bodin's sympathies are on the side of the non-Christian disputants, though it must be said that the arguments that he puts in their mouths are often feeble enough. M. Chauviré has edited nearly the whole of book iv of the French version, with parts of books v and vi, while he gives only a brief summary of books i-iii. He also furnishes a full critical apparatus, the result of his collation of the chief manuscripts of the Latin texts, and useful notes, which show wide and careful reading.

In conclusion, the larger work would be improved by an index and a bibliography of the writings that deal with Bodin. To the list of translations of *La République* should be added the English translation by Richard Knolles, the historian of the Turks, which appeared in 1606. On p. 41 the date of the first edition of the *De Republica* is given as 1579; this is of course a slip for 1576.

ARTHUR TILLEY.

*The Seconde Parte of a Register.* Edited by ALBERT PEEL, Litt.D.  
2 vols. (Cambridge: University Press, 1915.)

*The Official Papers of Sir Nathaniel Bacon of Stiffkey, Norfolk.* Edited by H. W. Saunders. Camden Third Series, xxvi. (London: Royal Historical Society, 1915.)

DR. PEEL'S book is an admirable addition to our knowledge of Elizabethan religious controversy. In 1592 or 1593 the English puritans printed in Scotland a volume, a stout quarto without place or date, which they called 'A parte of a Register'; its miscellaneous contents stated their case from various points of view, and described the proceedings taken against them. The copies were sent to England by sea, and for the most part captured. Dr. Peel holds out the hope that this rare volume will soon be reprinted. But the puritans persisted. Before the first 'Parte' was printed they had begun to compile the second, the material for which is here calendared. They were never able to publish it, but the manuscript has survived, and Dr. Peel traces its obscure fortunes down to its harbourage in Dr. Williams's Library. He discusses also the many literary problems that must arise over a mass of written documents of various origin, which has been at different times rearranged, in part recopied, and augmented from unknown sources. Though the bound volumes have been used by several scholars, they contain a great deal that is new to us, and Dr. Peel is frank in revealing the looseness with which they have been quoted hitherto.

There is no theology in these papers. In fact, veneration for Calvin was common ground: while Whitgift was fighting the puritans he was promoting a subscription, which he proposed to make compulsory upon the clergy, for the distressed church of Geneva, whose discipline was the pattern after which his opponents desired to model the English church. This inconsistency meant weakness, and Dr. Peel's calendar shows how important was Hooker's work in furnishing a principle to which Anglicans could appeal. The assumption of the puritans is that Whitgift's church is a mutilated variant of the Scottish and Genevan, good as far as it goes,

but fatally defective through the want of presbyterian discipline. The archbishop's civil office, derived from the queen, is freely recognized; his spiritual authority is denied, sometimes in terms which suggest the language of Selden's *Table Talk*. The demand is for an authority more scriptural and cogent than his; Roman catholics are not sufficiently persecuted, attendance at church should be rigorously enforced. There is no sympathy with separatists; 'that late schisme of Browne's' is denounced, and dissidents of another type are condemned in 'a conference between a Christian and an English Anabaptist', who is told that he belongs to a 'divelish sect'. Yet a few narratives of separatist troubles have found a place in the collection. The most impressive argument adduced by the puritans (who protest against that name, as well as against that of recusants, which also was applied to them) is that of the inefficiency of the existing system. In reports prepared for the book that never was published, a sad account is given of vice, non-residence, ignorance, and plurality; Hooker preaches 'now and then' at the Temple. There is an opening for local antiquaries in at least eight counties to verify or refute the assertions made. In petitions to the council or to parliament many other charges may be found. Bishop Scambler of Peterborough, whose reputation is low, is accused of granting simoniacal leases. Nothing is more remarkable than the assumption, often repeated, that the puritans are the educated and the Anglicans the unlettered party; and the former certainly write vigorous English, spiced sometimes with Elizabethan frankness, while once or twice they plunge into doggerel verse, quite as bad as any that has been published by the Parker Society.

Several points in the *Register* are illustrated by the *Papers* of Sir Nathaniel Bacon. He was the second son of the lord keeper, and founded a family which is now represented by Lord Townshend, from whose archives these documents have been selected. Bacon was an active magistrate for Norfolk, and shared the puritan sympathies of his family. He was busy in searching out recusants, among whom a Brownist is classed; but he sympathizes with the desire that the practice of prophesying by the more orderly puritans may be allowed to continue. Another symptom of the same spirit is the demand of parishioners that they shall be allowed to dictate to the patron the choice of their minister. Clerical affairs occupy a considerable space, but all matters of administration and taxation in Norfolk from about 1575 to 1620 are illustrated, and especially the decay of the system of subsidies and the ingenuity with which neighbours endeavoured to shift their burdens upon each other and to understate their own resources. One curious point is the struggle between the admiralty and the lord of a manor over a grampus which was stranded on a Norfolk beach. This, like many other subjects, is learnedly discussed in his preface by Mr. H. W. Saunders, the editor. E. W. WATSON.

*Shakespeare's England: an Account of the Life and Manners of his Age.*  
2 vols. (Oxford: Clarendon Press, 1916.)

THIS work is probably the most important memorial of the tercentenary year which has been given to the world. As we learn from the preface,

Sir Walter Raleigh sketched the plan of the book in 1905 and Sir Sidney Lee undertook its direction. After arranging for the production of most of the treatises now published, selecting many of the illustrations, and contributing additional information from his own researches, he was obliged to suspend work on the book in 1911, and in 1914 to relinquish the hope of completing it, though he has contributed a treatise on a subject with which he is not usually identified, 'Bear-baiting, Bull-baiting, and Cock-fighting'. Successive editors were withdrawn by war-work during 1914-15, and so it came about that the book was brought out finally in the tercentenary year, and by Mr. C. T. Onions, co-editor of the *Oxford Dictionary* and author of the *Shakespeare Glossary*. Mr. Onions's minute acquaintance with Shakespeare's text has enabled him to ensure that passages which might have escaped notice have been elucidated, and the Clarendon Press is to be congratulated on having secured the services of so highly competent an editor.

The book consists of thirty chapters, or treatises, the first a brilliant survey of the age of Elizabeth in general, by Sir Walter Raleigh, the rest a series of monographs of about 25 pages each on different sides of life in Shakespeare's age, and especially on the manner in which they are reflected in his pages, each monograph being followed by a short bibliography. As these treatises are contributed by specialists, it is clear that another thirty specialists would be required adequately to review the joint work. A single reviewer can only make some general observations, and point out such trifling deficiencies as come within his own limited range.

The book serves two purposes. It enables a student to obtain a general impression of some phase of life in Shakespeare's time, e. g. religion, the army, costume, the theatre, education, commerce, sport, roguery; it also serves as a glossary to the works of Shakespeare. Judged from the first point of view, the articles, though they are all valuable synopses of the subjects treated, differ a good deal in 'readableness'. Some writers move freely within the limits allotted them; others—for example Viscount Dillon and Mr. Doran—seem to be struggling to compress their matter into the given number of pages; others, again, are hampered by the necessity of bringing in the proper number of Shakespearian quotations. There is something comic about the following extract from an account of Hawkins's voyage:

The *Minion* fled from Ulloa under Hawkins with 200 men, who were after a few days forced to feed on 'cats, dogs, mice, rats, parrots and monkies'; even as 'poor Tom' fed on

'Mice and rats and such small deer' (*Lear*, III. iv. 142).

But most of the articles are excellent reading, and Mr. Charles Whibley rises almost to the epical in treating of 'Rogues and Vagabonds'.

From the 'glossary' point of view, the question might arise whether a book on this plan was as useful as a dictionary of Elizabethan antiquities on the model of Rich's *Dictionary of Classical Antiquities*. If one had the latter, one would turn up 'halbard', 'lute', 'nine men's morris', and find probably a special article with an illustration. The excellent subject-index of this book will, however, enable it to be used much in the same way, while when the word is found, it will be in its proper setting and

not detached. Many abstract subjects also can be treated on the chapter-plan, which would hardly find a place in a dictionary. Whatever be the merits of the two systems, we may be well content to have what we have got. Many a passage of Shakespeare in the hands of an expert in the particular branch to which it refers receives an explanation such as one cannot expect to get from a literary editor, who is necessarily not a specialist in all departments. Occasionally two experts, like two dogs, will quarrel over the same bone. This is the case with the line 'My lips are no common though several they be', which is explained rather differently by Mr. Arthur Underhill from the point of view of law (i. 382) and by Mr. R. E. Prothero from the point of view of agriculture (i. 348).

The chief omission of the book seems to be a chapter on popular festivals, such as Plough Monday, St. Valentine's Day, the Whitsun games, Midsummer Day, sheep-shearing, and Christmas. Some of them are cursorily referred to by Mr. Prothero, but that is all. Sir John Sandys gives an excellent account of Elizabethan schools in regard to the instruction given in them; but he hardly gives a picture of schoolboy life—the schoolhouse, the schoolroom, the character and status of the schoolmaster, rewards and punishments, recreations. The same learned writer contributes a valuable chapter entitled 'Scholarship', in which he deals fully with Elizabethan scholars, translators of the classics, and chroniclers. One may ask, however, why these branches of literature are selected for treatment and other branches, such as Elizabethan poetry or romance-writing or drama, are passed over. If any belong more properly to a history of literature, why not all?

There is no treatise in this book which will not bring some fresh knowledge to a student of Elizabethan literature. Let him turn to Mr. E. K. Chambers on the Court, to Mr. R. E. Prothero on Agriculture, to Sir E. Maunde Thompson on Handwriting, to Mr. William Archer and Mr. W. J. Laurence on the Playhouse, to Professor Firth on Ballads, to Dr. Henry Bradley on the English Language, and he will be abundantly satisfied. But it is invidious to specify where everything is excellent, and where specification can only reflect the private tastes of a single reader. One interesting point that emerges from the whole book is that Shakespeare was nowhere a 'specialist'. He assimilated the knowledge floating around him, as no other man could have done, but to maintain that he was a trained lawyer or doctor or classical scholar is to go too far. Some things he knew more intimately than others—Mr. Prothero tells us he was 'more of a horse-breeder than a farmer'—but that is only what one would expect.

Here and there, as is natural in a book by various hands, there is a little overlapping. We read of the barnacle, the pelican, &c., both under Animals and Folklore, of 'vagrom men' under Agriculture as well as in the chapter devoted to them; the line 'the strawberry grows underneath the nettle' is treated as horticulture by Mr. Prothero and as folklore by Professor Littledale.

On i. 133 we are told: 'Stubbes . . . inveighs . . . against the richness of the hilts and scabbards of the rapiers and daggers, which Osric in *Hamlet* describes as "very dear to fancy, very responsive to the hilts, most delicate

carriages", &c.' What Osric is describing is the hangers. What Lord Dillon thinks he is describing is not clear.

Mantuan's *Bucolica* is stated (i. 232) to have been published in London in 1573 and 1582. The present writer has a copy published by Marsh, London, in 1577.

The translation of πολιτικῆς by *moralis* in the phrase 'non idoneus auditor moralis philosophiae' (commented on i. 268) seems to have been a usual one, and, as Professor Henry Jackson has remarked, is not very far out. It occurs in *Pedantius* (c. 1581), l. 327, and in J. Prideaux's *Hypomnemata*, p. 286. Cf. Beaumont and Fletcher, *Valentinian*, i. 1 :

And as the tutor to great Alexander  
Would say, a young man should not dare to read  
His moral books till after five and twenty.

The explanation of Falstaff's 'cinders of the element' (i. 428) as the earth-shine on the unilluminated part of the moon called 'lumen incinerosum' is probably too technical. Falstaff says the full moon outshines 'the cinders of the element, which show like pins'-heads to her'. She could hardly outshine her own surface at a different date, and, as Falstaff, so far as we know, was not an astronomer, he no doubt meant the stars.

On ii. 536 the title of the broadside pedigree of James I (a very interesting commentary on Macbeth's vision), 'Regiae Stuartorum Familiae . . . Genealogia', is hardly correctly abbreviated as 'Regiae Stuartorum Familiae Octo'.

Dr. Bradley writes (ii. 571) : 'The first attempt in dramatic writing to represent any midland or northern variety of provincial English occurs in Jonson's *Sad Shepherd*.' E. Eckhardt, *Die Dialekt- und Ausländertypen*, i. 80, says that while Northern-English forms occur in many dramas from *Respublica* onwards as intruders into the south-west dialect, the oldest pieces in which the northern dialect is found independently are *Sir John Oldcastle*, Heywood's *King Edward IV*, and *Cupid's Revenge*.

There are a few slips of the pen. On i. 127, 'the straightness of the collars' should probably be 'the straitness', &c. ; on i. 128, 'like Stanley at the assault of Zutphen' should be 'like Sidney', &c. ; on i. 240, 'Frances, Countess of Surrey', should be 'Frances, Countess of Sussex' ; on i. 461, the author of the 'astrological addition' was John (not Henry) Harvey. Perhaps we might include under this head the phrases (i. 397) 'divide it up', and (i. 426) 'vexed . . . by vexatious rules'. A few misprints have escaped the editorial eye, e. g. i. 134, Fluellens' (for Fluellen's) ; p. 260, *Hercules Furnes* (for *Furens*) ; p. 269, Bynniman (for Bynneman) ; p. 459, Alike (for A like) ; ii. 436, W. W. Grey (for Greg) ; p. 494, Priggers of (for 'or') Prancers.

Besides the 'Index of Subjects and Technical Terms' already referred to, we have an 'Index of Passages Cited from Shakespeare's Works' (which will be useful to any one reading a particular play) and an 'Index of Proper Names'. These elaborately prepared indices materially increase the value of the work, which furthermore gains greatly in beauty and usefulness by the many excellent and well-chosen illustrations (nearly two hundred in all). The book is beautifully printed, though the appearance

of the page is somewhat impaired by the narrowness of the margins. The two volumes are each heavy to hold, and a good deal of muscular strain would have been spared if economic considerations had allowed the matter to be distributed into three or even four volumes. One change we do at any rate hope will be effected in any reprint of the book. At present if one turns from the index to a given page, one finds the required information, but a further search is demanded before one finds who it is that is supplying it. This could be obviated if the name of the author of each article was printed at the top of alternate pages in place of the useless running title, 'Shakespeare's England'. The book is so valuable a work of reference to the student that it deserves to be improved in every little point in which improvement is possible. G. C. MOORE SMITH.

*The Identification of the Writer of the Anonymous Letter to Lord Monteagle in 1605.* (London: Simpkin, Marshall & Co., 1916.)

THE conclusion the author of this interesting pamphlet arrives at is that William Vavasour, Francis Tresham's serving-man, wrote the anonymous letter to Lord Monteagle, and was probably 'the unknown man of a reasonable tall personage' described in the government narrative as having delivered the letter. The proof consists mainly in evidence drawn from handwriting, and is therefore illustrated by five facsimiles. A comparison of facsimile 1, which is the anonymous letter, and facsimile 4, which is a statement written by William Vavasour in the Tower on 23 March 1605, with facsimile 2, which is the natural handwriting of William Vavasour, is undertaken in order to prove that all three were written by the same person, although in 1 and 4 he attempted to disguise his hand by adopting a different style. This is a question for experts: the resemblances indicated seem to make the identity possible.

On the other hand, the historical arguments adduced in support of the theory seem perfectly sound. The evidence collected long ago by Mr. Jardine to prove that Tresham was the author of the letter is perfectly conclusive. But it does not follow that he wrote the letter with his own hand. When Catesby and Winter charged him with having written the letter to Lord Monteagle, 'He denied the charge with such firmness, and with so many oaths and solemn protestations, that their purpose was shaken, though they still doubted his sincerity'. The two had 'resolved that if he confessed the fact, or confirmed their suspicions by faltering or hesitation, they would have poniarded him on the spot'.<sup>1</sup> It seems very likely that Tresham, foreseeing some such scene with his fellow-conspirators, had employed another person to write the letter, in order that he might, with literal truth, be able to deny that he had written it. It is the sort of expedient that would naturally occur to a man who employed his servant to copy for him a treatise which by every kind of authority 'firmat aequitatem aequivocationis'. What could be more natural than to employ the same servant to write the anonymous letter to Lord Monteagle? William Vavasour had long

<sup>1</sup> Jardine, *Narrative of the Gunpowder Plot*, ed. 1857, p. 96.

been in Tresham's service, and his family were dependents on the Tresham family and closely bound up with its fortunes. Only a person closely connected with Francis Tresham, and therefore regarded as absolutely faithful, could be employed to write the letter for him, and since it was necessary to trust as few persons as possible, the suggestion that Vavasour was also the man who delivered the letter to its recipient seems extremely probable.

That William Vavasour when he wrote the letter disguised his handwriting is easy to understand. It was a simple and obvious precaution against a certain danger. The fact that Vavasour again disguised his handwriting in the statement made by him in the Tower on 23 March is explained on p. 16 of the pamphlet. He had to explain the origin of a document, namely Tresham's dying declaration, which he had written at his master's dictation. In his statement, Vavasour attributed it to Mrs. Tresham, and could not use his ordinary handwriting because that would have shown who the real writer of the declaration was. He therefore disguised his handwriting again, and though he had 'to be careful not to reproduce his former disguised hand, as seen in the anonymous letter' to Monteagle, 'the hand thus produced betrays him as the writer of that letter'.

Why did the government with all these documents in its hands not make the discovery which the author of the pamphlet arrives at? The answer of the author is that Coke, who prosecuted for the government, did assert that Vavasour was 'deeply guilty in this treason', and probably knew or suspected the secret. On the other hand, Salisbury, who controlled the trial, instructed Coke to deny that certain persons wrote the letter, 'though you leave the further judgment indefinite who else it should be' (p. 10). These facts, combined with the conclusions drawn from the handwriting, seem to justify the theory put forward in the pamphlet.

C. H. FIRTH.

*Calendar of Treasury Books, 1681-1685.* Prepared by W. A. SHAW.

In three Parts. (London: His Majesty's Stationery Office, 1916.)

DR. SHAW is to be congratulated on completing the calendar of these documents for the reign of Charles II, of which the first volume appeared in 1904. Most of the introduction to this volume is a recapitulation of the earlier financial history of the king's reign, in which Dr. Shaw re-states conclusions with which the readers of his previous introductions are already familiar. Briefly stated these conclusions are, that parliament deliberately cheated the king, first by promising him a revenue of £1,200,000 a year, and actually supplying him with little more than £800,000; and secondly, by promising him enough money to pay the extraordinary expenses necessitated by the Dutch wars, and then leaving him with a large debt for which it made no provision. Hence came the stop of the exchequer in 1671, by which time the deficit amounted to about two millions. For the rest of his reign Charles II 'manfully' paid, 'out of a straitened purse', the interest due to the bankers, without receiving any aid from parliament for the purpose (p. xxiv). He was able to do this

because in the latter part of the reign the yield of the customs and excise considerably improved. 'For ten of the last fourteen years of his reign, Charles enjoyed from the Customs about £160,000 a year over and above the £400,000, which the Parliamentary estimate at the beginning of the reign had forecast as the probable yield.' At the same time the excise, 'for the last ten years of the reign, yielded the king appreciably more than the original Parliamentary vote of £400,000 per annum'. The hearth-money, which was estimated to produce £170,000, is difficult to compute, because it fluctuated enormously, but it must have realized the expected sum during the later years of the reign, for it reached £200,000 under James II. 'Just as the deficiency up to 1671 had produced the national bankruptcy in the stop of the Exchequer, just so the excess after 1671 helped to make up for other deficiencies, and kept Charles so far solvent for the remainder of his reign that he was enabled to avoid a second declaration of bankruptcy' (p. xvii).

After dealing with questions of revenue and expenditure, Dr. Shaw devotes the latter part of his introduction to the constitutional and political significance of the financial history of the reign (pp. xxxiii-xl). This is a repetition of the vindication of Charles II and the denunciation of the parliament contained in previous volumes. 'With regard to the political influence exercised by the financial conditions under which Charles's Executive laboured, I have already in the various preceding introductions written with such heat and passion that I hesitate to do more here than briefly summarise' (p. xxxix). It is odd that Dr. Shaw does not perceive that heat and passion are very much out of place in a calendar, and that the value of his commentary is greatly diminished thereby.

There are useful tables added to the introduction showing the income and expenditure of the various departments during the last five years of the reign. Another interesting set of papers consists of schemes of retrenchment drawn up in 1667 and 1668, which are printed in the appendix. The appendix also includes some documents of still earlier date. The budget for the year ending 24 June 1660, and the lease book of the Crown lands for 1661, both fill gaps in the papers contained in the first volume of the calendar.

The miscellaneous information which these treasury books contain is of value for many purposes besides financial history. It would be possible from the payments registered to make a list of all the ambassadors employed by Charles II, with the date and duration of their missions. Entries such as the appointment of Verrio to be the king's 'chief and first painter' in succession to Lely, the payments made to Dryden on account of his pension, the list of the king's musicians with their salaries, illustrate the history of art and literature (pp. 766, 1188). A document of special interest at the present moment is a warrant to pay certain sums to the widows and children of soldiers killed at Tangiers. The widows received from £4 to £8 per annum, the orphans usually £6 (p. 1203). Considering the relative value of money then and now these were pretty liberal allowances.

In conclusion, while the editor's introductions naturally treat mainly

of the development of the treasury, and the rise and fall of the revenue, it should not be forgotten that these documents illustrate the history of every department of state then existing.

C. H. FIRTH.

*Calendar of State Papers, America and West Indies, 1706-8.* Edited by  
CECIL HEADLAM. (London: His Majesty's Stationery Office, 1916.)

It is satisfactory to note that the most recent volume of the Colonial Calendar of State Papers covers two and a half years. As was natural in a time of war, naval and military doings form the main interest of the volume. The lieutenant-governor of the Leeward Islands writes in March 1706 of the loss of St. Christopher's:

The enemies shipp now here, by the advice we have, sneak'd from France one after another, and were a month at Tobago, where they mett together before the inhabitants of the French islands (except the Generall at Martinica and a few more) were any wayes appriz'd of them; . . . On the whole matter . . . except three good sayling frigatts do constantly attend this government, the like number Barbados, and those in the Northern Colonies in the winter, when they can be no wayes serviceable there, be also appointed to cruize among the Islands, they will be subject to continuall insults, if not in a short time to downright ruine, for I do assure your Lordships that during the present Warr practices of this kind have been soe frequently repeated by the French, being also powerfull in privateeres, that all men's interests within this government are thereby render'd soe very precarious and their persons soe continually fateagued and harrassed that, unless some meanes by way of prevention be speedily found and putt in practice, 'tis with a great deale of trouble and concern I give your Lordshipp to understand these promising Collonies will be soon deserted, to the great prejudice of navigation in particular, and the interest of the nation in general, if not in the end prove soe fatala a catastrophe as to cause one of the fairest jewells to drop from the Crowne.

In fact the expedition of Iberville against Nevis and St. Christopher's was merely a raid with plunder for its object; and there was no intention of permanently conquering these islands. The result, however, was none the less distressing to the unfortunate inhabitants. The home government recognized its responsibility, and obtained from parliament a liberal grant in aid.

In 1707 we find Parke from Antigua bewailing the hard fate of a colonial governor:

Every thing is so very dear I can hardly live upon my incomb: and yett I never lived worse in all my life. I came over 26 in family; there is now but 4 left; 5 indeed are gone to England, the rest are dead. I myself have had the plague, the pestilence and bloody flux, and have been out of my bed but 4 dayes of a malignant feaver; . . . Cou'd I have foreseen what I was to suffer and how little 'twas possible for me to gett, I wou'd never have come over.

No wonder that, in his allusions to Codrington, Parke's letters seem hardly those of a sane man.

At first the English successes in Spain promised well for the recognition of Charles III in Spanish America; but these successes proved a flash in the pan, and the English were obliged to find consolation in the valuable capture of Spanish galleons, containing treasure to the amount of some fifteen million pounds.

A long account of the repulse of a French and Spanish invasion of South Carolina in August 1706 bears testimony to the ability and gallantry

of the governor, Sir Nathaniel Johnson. To the north an attack upon Port Royal, planned by Dudley, ended in failure, though the astute governor sought to emphasize the damage done.

In connexion with Dudley's relations with the French, we have here the well-known charges brought against Vetch and other leading Bostonians of trading with the enemy. We are accustomed to regard the Massachusetts Assembly as the champions of liberty and opposition to the prerogative; it comes as a shock to find that in a case where they were themselves interested, they claimed to 'try and punish by fine offenders in case of misdemeanour, and that, without verdict of jury, but immediately by themselves in their legislative capacity, and by acts or laws made in their assembly after the offences committed'. While such things were possible, who can say that the superintendent powers of the Board of Trade and the Privy Council were unnecessary? Nor was it only against recalcitrant assemblies that their interference was directed. When the governor of Maryland coolly proposed to sell into servitude two criminals, he was sternly rebuked; as was Parke, when he proposed to employ ten thousand Scotch in a forlorn attack upon Martinique. 'If we have not success, if you chuse out those that are so zealous to maintain the Kerke and against the Union, if I gett them all knock'd on the head, I am off the opinion the English nation will be no great losers by it.' The act of union, the effect of which upon the development of the colonies was very great, was to make inoperative such narrow prejudice.

In other ways during these years the life of the colonies went on much as usual. In New York and New Jersey Lord Cornbury at last wore out the patience of the home authorities and received a scarcely-veiled dismissal. The chartered colonies were still the puzzle of English statesmen. Colonel Quary writes of Connecticut: 'I cannot give their character better than by telling your Lordships that they have made a body of laws . . . the first of which is that no law of England shall bee in force in their government till made so by an Act of their own.'

Penn, in broken health, still essayed the hopeless task of reconciling imperial interests, his own private claims, and the demands of a troublesome community, the whole to be squared with the dictates of a religion adapted to the needs of the individual conscience and not of common responsibilities. In these years the mischief of patent offices, held by absentees, grew greater and more scandalous. Even when absenteeism did not prevail, there was too much truth in Lewis Morris's complaint:

It is ye imprudent conduct of ye Governours, to call it no worse, that has been ye great prejudices of H.M. Service in America, the various kinds of injustice and oppression, ye sordid and mercenary measures they have taken, the mean things they have stoop't to, the trash of mankind that has been their favourites and tools, and by them raised to posts of honour and profit, as rewards for accomplishing the worst ends, has stunted the growth of these otherwise thriving Plantations.

No doubt there was some exaggeration in all this, and experience of Cornbury may well have coloured his impressions. Still, it would have been wise had the home government seriously considered how much of truth there might be in these reflexions.

H. E. EGERTON.

*Cahiers de Doléances des Corporations de la Ville d'Angers et des Paroisses de la Sénéchaussée près d'Angers pour les États Généraux de 1789.*  
Tome I. (Angers : Burdin, 1915.)

*Les Contributions Directes ; Instruction, Recueil de Textes et Notes.* (Paris : Imprimerie Nationale, 1915.)

THESE two volumes form part of the great collection of original documents relating to the economic history of the French Revolution which is being steadily compiled by French scholars with the help of their government. The first is edited by Dr. A. le Moy, the second by M. Camille Bloch.

The Cahiers are statements of the grievances and political objects of communities that occupied nearly half of the province of Anjou in 1789. This was a country which can be considered typical. It was of very moderate fertility and wealth. Its people cultivated vineyards more than grain. Industry, even in Angers itself, was mainly domestic. Labour was ill-paid and irregularly employed. Angers was a town of two-roomed cottages. Consequently, the Cahiers can be fairly regarded as representative of French provincial feeling in 1789, though the editor points out that the practice of copying other Cahiers, the common use of stock forms, and the relegation to a careless committee of thirty deputies of the task of summarizing at their own discretion in one general Cahier the aims of diverse localities, perhaps prevent them from being perfect mirrors of current public opinion.

Certain political desires predominate. Nearly every Cahier sought the periodic assembly of the States General, the better administration of justice and finance, the abolition of 'lettres de cachet', of the gabelle and milice, the uniformity of weights and measures, the suppression of intendants and receivers general, and the destruction of feudal privileges. The tolls on the Loire, the seigneurial rights of chase and forced labour, the ennoblement of merchants, who thereupon abjured work and withdrew their capital from trade, are common objects of remonstrance. In spite of religious orthodoxy there is a general dislike towards clerical interference in secular affairs. Owning a quarter of Anjou and the greater part of Angers, the church could hardly escape criticism.

There is nothing contrary to expectation in the contents of the Cahiers. Their uniformity of ideas and expression resembles that found in the election addresses of English parliamentary candidates. The appeal is standardized by party organizers. The particular value of the present volume is the light it throws on local history. It gives much information as to the occupations and industries of Angevin communities, and as to the personnel of guilds and corporations.

The second book under review is practically a calendar of state papers regarding direct taxation in France from June 1789 to September 1807. It contains nearly eight hundred texts, often, of course, abridged or summarized, and covers nearly twelve hundred pages. Unfortunately the index is very inadequate. The contents illustrate the financial history of the period from the point of view of the central government. The eloquent reformers of 1789 develop into practical financiers, who, while

not forgetting the first principles of the Revolution, have to utilize to best advantage every means of revenue. The earlier documents lay down the essential canons of constitutional law from which later administrators never willingly departed: 'No tax will be imposed and no existing tax prolonged beyond the term fixed by law without the consent of the nation's representatives' (June 1789). 'Privilege in the matter of subsidies is abolished for ever' (August 1789). All taxes are to be proportionate to the means of the taxpayers (August 1789).

Some of the sources of income instituted in harmony with these ideas, in place of the abandoned makeshifts of the old régime, have a long history—the land tax imposed upon the net product of land, regardless of the owner's wealth (November 1790), the tax on persons according to their profits and wages, and also having regard to such sumptuary characteristics as their employment of servants and possession of horses and mules (January 1791), and the tax on patents or licences (March 1791). All such taxation was levied by the executive on the report of different committees of successive assemblies, whose names have been traced and are here recorded by the editor. The texts printed by him are generally plain statements of liabilities and instructions, interrupted only when there is special need to explain to the people 'the requirements of the state and to invite the patriotic to second measures taken in the name of the country now in danger'.

Among the more transient taxes are special war subventions 'to be raised from the rich only' (March 1793), but later (May 1799) exacted from all landowners and usufructuaries 'to pay, arm, and equip the defenders of the country destined to avenge the French nation and humanity for the attacks upon them by the house of Austria'. Impositions levied on the families of émigrés, frequent forced loans, and taxes on doors and windows are constant subjects of regulation. The care with which the last tax was adjusted to meet communes of different populations, variations in architecture, and the needs of light and air in farm buildings, was characteristic of the government. GERALD B. HURST.

*Archaeologia Aeliana*. Published by the Society of Antiquaries of Newcastle-upon-Tyne, and edited by R. BLAIR. Third series, vol. xiii. (Newcastle-upon-Tyne, 1916.)

It is probably due to the war that this volume is the first for many years to contain no report on Corbridge.<sup>1</sup> The nearest subject to this is Professor Haverfield's paper (no. iv) on the 'Modius Claytonensis' [*sic*], the Roman bronze measure from Carvoran. This is well illustrated from the museums of our allies, and is in some points conclusive; but of the alternative solutions of the discrepancy between the stated and actual contents of this vessel, it is difficult to accept that which the author seems to prefer, viz. that the measure, though *exactus*, was intentionally fraudulent. Of the other shorter papers, Dr. Gee's account of Dean Eedes's *Iter Boreale* gives an interesting description of visits to the higher clergy of Durham

<sup>1</sup> 'It is feared that the owner of the site of *Corstopitum*, Captain James Harold Cuthbert, D.S.O. (elected 1912), reported missing in the war, may be lost to us': p. xi.

in 1583. Dr. J. F. Hodgson attempts to prove that a female effigy at Darlington represents Adeliza de Percy, the wife of Bishop Hugh de Puiset; he is guilty of a dreadful case of 'and who' (p. 65), and by omitting the word 'vicissitudines' makes Geoffrey of Coldingham guilty of ungrammatical Latin. His discovery of the chantry chapel of Hilton is corroborated by the charter of Hugh de Feritate; but his remarks on the panel of St. Anthony (?) at Barnard Castle are less convincing. Nos. vii and viii are biographical notices of local antiquarians, R. O. Heslop (1842-1916) and William Hutchinson, the county historian (1732-1814). The writer of the latter notice contributes also no. i, excerpts from a manuscript of the herald, John Warburton, dealing with ruined towns, chapels, &c., in Northumberland c. 1715; though of little importance intrinsically, they testify to the prevalence of such remains. Mr. C. Hunter Blair's sixth instalment of Dr. Greenwell's Durham seals describes in great detail, with valuable comments and references, seventy-five seals of English kings and princes (to Charles II) and Scottish kings (to James II of Scotland); no better notes or illustrations have ever been published, and it is unfortunate that there is (as usual) a want of correspondence between them. This time a number of seals are referred to as figured on plates 48 and 49 (which are not yet published), whereas they are actually to be found on plates 46 and 47. No. ii, 'Local Muniments' (fifth series), by Mr. N. Welford, is of purely local interest to researchers into Newcastle pedigrees and estates; but it contains a few good wills, and the notes are models of careful editing. The longest paper (no. ix) is also the most important; in it Dr. F. Bradshaw analyses the Lay Subsidy Roll of 1296 so as to present a detailed picture of Northumberland at the end of the thirteenth century, which is in effect an account of the composition of town and country communities at that date. The article is noteworthy for the full census of the parishioners of St. Nicholas, Newcastle, the notices of famous Northumberland families, many of which still exist, and the collections referring to personal names. Occasionally we need a conjecture; e. g. 'hoker' (p. 286) is simply 'hooker', and for the curious form 'Unnane' we might suggest Vivian (uiuiane), or else the not uncommon surname Hannan or Hannen. Northumberland was prosperous under Edward I, apparently owing to the wool trade; the richest ward was Wansbeck and Coket, and the richest ordinary vill was Wooler, the largest being Alwinton. Of the inhabitants assessed, the richest plebeian and the richest noble outside Newcastle were Thomas the baker of Glendale, and Sir William de Vesey, whose sister-in-law was a kinswoman of Queen Eleanor.

H. E. D. BLAKISTON.

*Proceedings of the Royal Irish Academy*, vol. xxxvi, section C. (Dublin: Hodges & Figgis, 1916.)

OF these Proceedings no. 1 records some recent archaeological 'finds' in Ulster. In no. 2 Mr. T. J. Westropp describes some 'Typical Earthworks and Ring-walls in Co. Limerick'. Mr. Westropp's praiseworthy diligence as a field-worker in connexion with Irish forts is well known, but it is to be regretted that when he handles historical documents

bearing upon them he is often inaccurate. Thus when giving the earliest references to the manor of Shanid he says (p. 36): 'Before 1230, Thomas fitz Maurice held it, and with sufficient permanence to grant part to the See of Limerick to found a convent at Old Abbey.' The date 1230 is given because it is the approximate date of a grant of the church of Shanid, transcribed in the Black Book of Limerick, and referred to (at a wrong page) by Mr. Westropp. But this grant was not made by Thomas fitz Maurice (who indeed was dead before February 1215), but by his son, John fitz Thomas. So confused is Mr. Westropp about this grant that in a note at the end of his paper he says it was made by 'Thomas fitz Thomas'—an unknown person. Moreover, the grant to nuns of the lands now known as 'Old Abbey' is stated in the Extent of 1299 (to which Mr. Westropp refers) to have been made by the 'grandfather' of the Thomas fitz Maurice who died in the preceding year, i.e. by the same John fitz Thomas. The next sentence on p. 36 is, 'In 1282 John fitz Thomas held a cantred in Cunyl called Shenede'. But John fitz Thomas was killed at Callainn in 1261. Mr. Westropp takes the date of an inquisition as the date of facts referred to by the jurors. He makes a similar mistake in a note (p. 39) when he says that 'a mote and bretesche were made at Roscrea so late as 1245'. Such errors may not be very grave, but they are always annoying and apt to mislead the unwary. But though no record can be cited directly connecting the Thomas fitz Maurice who died c. 1214 with Shanid, it is on other grounds highly probable that he was the first grantee, and that to him the mote and bailey earthworks should be ascribed. Mr. Westropp gives a full description of these earthworks, which he now regards as 'very Norman in arrangement', showing characteristics 'implying an undoubted Norman origin', and 'very probably a fortification of about 1200'. He supposes, however, that there was an older Irish fort on the spot, afterwards 'raised and modified by the early Geraldines'.

No. 3 contains useful notes by M. S. Dudley Westropp on 'Irish Money Weights and Foreign Coin current in Ireland'—a subject seemingly not hitherto systematically treated. Reproductions of twenty specimens are given. One of the earliest, dated 1670, is said (p. 50) to have the motto 'ne addis nec demas', but the illustration leaves room to hope that the Latin is better. No. 4, by E. R. McClintock Dix, is a list of books and tracts (only eighteen in number) printed in Belfast in the seventeenth century. This is only one of the many contributions which Mr. Dix has made to the subject of early printed books in Ireland. No. 5, by Professor R. A. S. Macalister, deals with certain Irish inscriptions, mostly oghams. But by far the most important of these papers is no. 6, also by Dr. Macalister, on the 'History and Antiquities of Inis Cealtra'. It is an excellent monograph on the past history and present state of the island and its numerous remains, including five early churches, a very remarkable anchorite's cell, a round tower, some standing crosses, and numerous recumbent slabs, &c. Inis Cealtra was in fact a lesser Clonmacnois, with which Dr. Macalister has already dealt. He here treats each subject with the sure touch and deft hand of an experienced investigator who has seen and studied and performed much, and the work

is well illustrated with drawings, plans, and photographs. He points out with commendable temper the mistakes (inevitable under present conditions) made by the Board of Works in their reconstruction of some features, and he gives some excellent advice as to a better way of conducting the exploration, repair, and preservation of such monuments. King Brian, who was killed at Clontarf in 1014, is said to have built the church of Inis Cealtra, and Petrie believed that the west doorway and chancel—the Romanesque portions, in short—of the church of St. Caimin on the island were Brian's work. Dr. Macalister is in general chary in assigning dates to buildings, but he does not hesitate to give his opinion that none of the Romanesque work on the island is as old as the reign of Brian. Irish antiquaries who widen their outlook are discarding, one by one, the insular views of their predecessors.

GODDARD H. ORPEN.

## *Short Notices*

*Prolegomena to History ; the Relation of History to Literature, Philosophy, and Science*, by Mr. F. J. Teggart (Berkeley, California : University of California Press, 1916), consists mainly of a very large collection of quotations from historians, philosophers, men of science, and essayists, describing the functions of the historian and the relation of historical to other studies. The field from which the quotations are gleaned is very large, as a glance at the copious bibliography will show. The lines connecting them are generally slight. There is very little expression of independent opinions on the part of the author, and no clear indication that he has had practical experience in historical study. We find in this book a great many views expressed by writers and thinkers on certain familiar questions : whether history is a science, whether the historian ought to be impartial, whether historical progress is equivalent to evolution, and the like. If there is little of freshness, inspiration, or even criticism in the work, it may at least help to exalt the plain man's idea as to what history ought to be. It is rather curious that nothing is said as to the connexion or non-connexion of history and ethics. The author might have found abundance of passages to quote on both sides, beginning, perhaps, with the memorable controversy between Creighton and Acton.

A. G.

Mr. H. B. Hannay's *European and other Race Origins* (London : Sampson Low, 1915) is a volume of nearly 500 pages, which attempts some of the most obscure ethnical problems of ancient and modern times. It contains a great deal of miscellaneous information, but the arguments and theories rarely carry conviction, and the method, or rather the lack of it, creates a most unfavourable impression. The general aim is virtually to show how the British race can trace itself back to the house of Isaac, how members of this house from time to time appeared and played a hitherto unsuspected part in history, how Benjamin came to Norway and the Nabateans to Prussia, and so forth, until all the cast seem to be brought together, and western Asia is transferred to western Europe. It is impossible to take a work of this kind seriously. The writer, who complains that certain words 'have been persistently confounded in the most heart-rending manner' (p. 134), builds persistently upon the syllable Sak or Sag, and treats Sak or Beth Sak as a form of Isaac. We have long known that the Saxons are Isaac's sons ; the new key is quite a change, although the etymologies (Isaac becomes Sak) are characteristically wild, and Homer has to be dated 'about B. C. 574 at the earliest' (p. 129). One can only say that the fact that Anglo-Israelite

and kindred theories can be so freely promulgated and accepted is of some psychological interest. The desire to magnify the history of one's own race and to find a glorious, if not a more or less sacred ancestry, has been by no means uncommon; and it is precisely this desire, aided with a vivid imagination and a fair stock of data, which no doubt accounts for certain highly suspicious records of early writers. There, as here, we find an intricate combination of thoroughly authentic elements with untenable synthetizing theories and uncritical methods; and all works of this nature are a warning that very often what is needed in historical, as in other research, is not necessarily more data, but better methods of dealing with those that are already accessible.

S. A. C.

Some years ago a Hindu scholar discovered in a library in the south of India a manuscript of a treatise on statecraft, the *Arthashāstra*, attributed to Kautilya, the minister of Chandragupta Maurya or Sandrakottos in the fourth century B. C. That work, although known by quotations, had been lost sight of for ages. When the full text was edited and translated, the importance of the discovery became manifest, and a considerable literature began to grow up round the subject. One of the most important books included in that literature is *Public Administration in Ancient India* by Dr. Pramathanatha Banerjea (London: Macmillan, 1916). This book is what it professes to be, a fully documented account of the administrative system of ancient India, that is to say, India under Hindu governments, chiefly as during the millennium extending from 500 years before to 500 years after Christ. The wide range of time included may seem to vitiate the treatment of the subject-matter; but in India the ancient scriptures or *shāstras* retained their authority throughout the ages, tradition continued unbroken, and the precepts approved in the time of Alexander the Great held good to a large extent in the time of Charlemagne. The ancient Indian scholars produced many treatises on polity and statecraft. In those books the writers discuss the nature of government, prescribe the duties of kings and ministers, describe the art of war, and explain the departmental organization of an ideal government. All the books have an academic flavour, being expressions of what private students considered ought to be, rather than a realistic account of the practice actually existing in any given kingdom. So far as we know, the admonitions of text-book writers had little effect on the actions of kings. The republican or oligarchical constitutions which existed in the Panjab and many parts of India before the Christian era, and for some time after it, died out, and were replaced by autocracy. A strong autocrat did not trouble himself about text-books, but did what he pleased. Even the indirect check offered by the sanctity of Brahmans had little influence over a powerful, self-willed king. Regulations in the books concerning ministerial councils and many other matters had no binding force, and each autocrat worked out his own system of administration. The capable rulers were the heads of highly organized governments, equipped with full departmental staffs and records. Unfortunately, periods of anarchy intervened, and the work had to be started afresh time after time. No orderly development of political institutions can be traced in India.

Akbar, in the sixteenth century, worked out a tolerably effective system of administration, which lasted for over a hundred years. But the system of the Maurya dynasty, in the third and fourth centuries B. C., seems to have been quite as good, if not better. No link, however, connects the two systems. Whatever may be thought about the intrinsic value of the old Hindu books on polity and administration, Dr. Banerjea gives a thoroughly authenticated summary of their contents in good English and in a convenient form, which may be recommended to any person interested in the subject.

V. A. S.

*The Story of the Catholic Church* by the Redemptorist Father George Stebbing (London: Sands & Co., 1915) is little more than a biography of the successive popes, and is better in the later periods than in the earlier. The author starts badly, with the obsolete category of 'general persecutions', and there is a good deal that is vague and conventional in his treatment of the first centuries. His work is a compilation, and among the books which he has not consulted, if we may trust his very poor bibliography, is Duchesne's *Histoire Ancienne de l'Eglise*. But a great deal of information is conveyed in an interesting and candid way, with frank assignment of blame where it is deserved. But proportion is not always well kept: three colourless lines suffice for Innocent III's relation to the Albigenses, the possibility that the emperor gained rather than lost at Canossa is not even suggested, and the reader might suppose that the only obstacle to the smooth progress of the Council of Trent was from the intrigues of Charles V. And it was not a leaden roof that the Barberini stripped from the Pantheon. For the last three centuries the author is at his best, but it is a pity that he conveys no idea of the Papal States as a polity with a continuous history. One pope will be justly praised, another justly blamed for particular actions or personal characteristics, but the reader gains no acquaintance with, for instance, papal policy and papal finance. Brosch has written in vain for Father Stebbing. Yet the book is well written and attractive, not least from a quaint courtesy, like that of an old-fashioned peerage, that pervades it.

E. W. W.

One is disposed to judge leniently the work of a travelling student whose time for research abroad has been cut short owing to the war, and who, having done his duty in France, is publishing his work on *Christianity and Nationalism in the Later Roman Empire* (London: Longmans, 1916) while on sick leave in England. Nevertheless, we must agree with Mr. C. L. Woodward that it has been 'impossible to do much more than state the main facts of the case'—if indeed as much as this has been accomplished. He hopes to work out the subject more thoroughly later on. All students who have made the slightest acquaintance with the history of early heresies have been struck by the signs of local or national opposition to the central authority, manifested in resistance to ecclesiastical decisions. Mr. Woodward examines some particular heresies from this point of view, especially those of Donatists in Africa, Monophysites in Egypt and Syria, Nestorians in the East, Priscillianists in Spain, and

Arians in the West. He does not take up the Pelagians in Britain, nor the idiosyncrasies of the early Irish church; but perhaps they hardly come within imperial limits. In dealing with Egypt, he does not—as one might have expected—touch on the native Coptic element as opposed to the Graeco-Roman. There is a chapter on the religious policy of Justinian and Theodora. Some rather irrelevant topics are introduced. Thus we have a statement of all the different causes assigned by historians for the decline of the Roman empire; also the character of what the author calls a ‘Christian Age’. Some doubtful assertions are confidently made, such as that Arius appealed to Neoplatonic feeling; that the Burgundians were Catholic before they became Arian; that Clovis minted gold coins in his own image; that Neoplatonism by the time of Justinian was practically dead. The style and the whole character of the work show traces of hurry. But the subject is a fruitful one, and we may hope that the author will return to the work in more leisured times. A. G.

To the latest edition of *A Short History of the English People* (London: Macmillan, 1916) Mrs. J. R. Green has added an epilogue, bringing the narrative down to the outbreak of the present war. The work has become a classic of which it is desirable to have an authoritative edition. The changes in the original text, not now made for the first time, though not inconsiderable, do not interfere with the plan or structure of the book. But Mrs. Green has been more conservative in her treatment of the notes on ‘authorities’. It is no doubt right to show the sources on which the author depended; but to retain, without comment, such a statement as that ‘Dr. Guest’s papers in the *Origines Celticae* are the best modern narrative of the conquest’ is simply misleading. The ascription of the *Annales Henrici Quinti* to ‘Titus Livius, a chaplain in the royal army (English Historical Society)’, is an error so extraordinary, raising as it does a doubt whether Green had ever read either of the works so jumbled together, that it should surely have been corrected. Some additions have, it is true, been made; we are informed that ‘the State Papers have now been continued to 1644’, and that ‘Mr. Gardiner has now carried on his History to 1644’. Such statements might easily have been brought up to date. It is, however, to the ‘Epilogue’ that most readers will first turn. They will find in it a summary written with a fervid eloquence which makes it in its own way singularly attractive. But the fervour sometimes leaves the facts obscure; for instance, no one who did not know the sequence of events could extract the truth from the summary of the Crimean War; whilst an account of the Mutiny which does not mention John Lawrence and has but a bare reference to his brother can only be described as a curiosity. The ‘Epilogue’ is not indeed a ‘history’, and as a review it is written with a definite outlook, which if stimulating and suggestive, makes it hardly suitable for instruction to those who are not already fairly familiar with the facts. A.

Dr. Ernest F. Henderson’s *Short History of Germany* was first published in 1902, and was noticed in this *Review* at the time.<sup>1</sup> It has now been

<sup>1</sup> *Ante*, xviii. 140 ff.

reprinted from the electrotype plates without, so far as we can see, any alteration or revision (2 volumes, New York: Macmillan, 1916). Even misspellings of proper names have not been corrected. But as we indicated, the book is really a series of desultory essays, and to make it a history needs a thorough re-writing, not least from the point of view of its literary style. The new issue contains three additional chapters treating of the time from 1871 to 1914, under the heads of 'political developments', 'economic progress', and 'social progress'. These overlap one another a good deal, and show little sense of proportion. Trivial incidents and newspaper gossip occupy too large a space, and much that is of great importance is omitted. Such a mistake as to speak of Lord Granville as prime minister (ii. 470) should not have been allowed to pass. B.

Willibald's *Life of Boniface* has been translated once into French and no less than six times into German, without reckoning a fifteenth-century Low German version, but in *The Life of Saint Boniface by Willibald, translated into English for the first time with introduction and notes by George W. Robinson* (Harvard: University Press, 1916) we have the first English version of the life of this great Englishman. Mr. Robinson has, however, an advantage over his predecessors in that their translations were made before the appearance of Dr. Levison's edition of the text. As in the case of many similar lives, the translator's task is a difficult one, since Willibald writes in an involved and artificial style, and, if the translation is made in simple English, the reader gets little notion of the nature of the original; but Mr. Robinson has accomplished this task with considerable success, and, though the translation is from the necessity of the case not easy reading, there are few passages in which the rendering is wholly un-English or unintelligible. On p. 40, however, 'a sudden emergency impended upon the rise of a new discussion' is not English and is hardly warranted by the original ('subitanea quaedam incubuerat nova quadam seditione exorta necessitas'), and on p. 64 the strange phrase 'unwrought by the brethren' need not have been used to render 'absque fratrum labore'. The words *speculator* and *superspeculator* are only translations of ἐπίσκοπος, and should have been rendered by 'overseer' rather than 'watchman' and 'chief watchman' (pp. 47, 71), and *pontifex*, which Willibald applies to archbishops only, should not have been rendered by 'bishop'. The name *Dioscorus*, which is correctly given by the author, appears in the translation as *Dioscurus* (p. 75). The notes are short and for the most part taken from Levison; but on the question of the date of Boniface's death Mr. Robinson is inclined to accept Willibald's date, 755, rather than the date 754 maintained by Tangl and Levison, but deals only with one point of the argument. The date of consecration has also been disputed, and Mr. Robinson gives 722 without discussion. This is certainly better supported than 723; but it ought to be noted that 30 November fell on a Sunday in 721, and, though we might suppose that the day was chosen as being St. Andrew's day, it would be hard to find a parallel for this. Stephen II should not be called Stephen III. E. W. B.

Although the late Professor Earle's *Handbook to the Land-Charters* has long made it a simple matter for any one to begin the study of Anglo-Saxon charters and similar documents, there was room for a smaller collection with fuller explanation and comment. This has now been supplied by Miss F. E. Harmer's *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge: University Press, 1914), which contains twenty-three typical pieces, with renderings in modern English, and with notes which in bulk considerably exceed both text and translation. The texts, which appear to have been carefully copied or collated, consist mainly of documents relating to landed property, with a few wills, and two well-known entries in copies of the Gospels (the Codex Aureus and Lindisfarne). The notes deal both with the subject-matter and the language of texts, and though frequently hesitating and inconclusive will no doubt prove of considerable service to the student. The usefulness of Miss Harmer's work, however, would have been greatly increased by a different arrangement. In order to compare the text with the translation, and at the same time to profit by the notes, it is necessary for the user of the book to be constantly turning from one part of it to another, with much loss of time and probably of patience. As such works are not intended for schoolboys the natural and practical arrangement is to have the text and translation opposite each other and the notes on the lower part of the pages. Even the date (exact or approximate) of each document is only given in the notes, a point on which Earle's handbook might have shown the better course. That some special points are open to criticism is perhaps inevitable, but the number and nature of these is unimportant compared with the advantages which the beginner will derive from a careful study of the different parts of the book.

W. A. C.

The edition of the registers of the bishops of Rochester issued by the Canterbury and York Society opens with two parts comprising the register of Bishop Hethe from 1319 to 1323 (*Diocesis Roffensis; Registrum Hamonis Hethe*, i, ii, London, 1914, 1916). Nearly the whole of the first part consists of documents of earlier date, prefixed to the volume. Almost all these are already known from Thorpe's *Registrum* or from other sources. But many are of more than local interest, and, apart from the scarceness of Thorpe's book, it is a great advantage to have them printed as they were entered in the bishop's official act-book. We are particularly glad to have in a convenient form the full text of the two charters to St. Peter's at Ghent (pp. 28-31, 32 f.). We hope to return to the book when it is complete.

C.

Dr. G. Bonnard in his *La Controverse de Martin Marprelate* (Geneva: Jullien, 1916) has given an admirable and lively narrative of the facts. Indeed, he has exhausted the subject, except for the question of authorship. He assumes that Job Throckmorton was the writer of all seven pamphlets, and that Penry supplied him with arguments. This gives him the opportunity of telling a story which is psychologically probable; and he candidly sets forth other claims to the authorship in an appendix. Dr. Bonnard is a patriotic Swiss, proud that the ideas, theological and

democratic, of his country (of which he counts Geneva in the sixteenth century a part) should have spread to England, and all his sympathies are with Martin. He is reminded irresistibly of Pascal, and catches an 'echo of the prophets of Israel'. On the other hand, he allows for an element of 'intellectual burlesque', and incidentally shows how unequal is literary French to the task of rendering Elizabethan colloquialisms. He is scrupulously just to Martin's victims, with the exception of Whitgift, whom he heartily dislikes; but he overstates the case when he makes Martin's plea for the divine right of presbyters the sole and direct cause of the Anglican counterclaim on behalf of bishops. Had it not been for Martin, he says, Bancroft would never have preached his sermon at Paul's Cross, and so given birth to an idea which, as Dr. Bonnard sees, has been decisive for the development of the English church. The continuance of bishops would surely have invited explanation, had there been no Martin Marprelate; and Hooker's work was constructive rather than polemical. This, however, is the only serious objection that can be made to Dr. Bonnard's excellent work, which is based on a very full knowledge of Elizabethan literature and history.

E. W. W.

In *The Conquest of Virginia: The Forest Primeval* (New York: Putnam, 1916) Mr. C. W. Sams has brought together a great deal of interesting material regarding the Indians, from the writings of Hariot, John Smith, Strachey, Spelman, Hamor, Glover, and Beverley. Some of these authorities have only been printed in scarce editions, so that Mr. Sams's work is well justified. At the same time the author exaggerates the political importance of the Virginian Indians in comparing them with the inhabitants of Mexico or Peru. The introductory chapter is somewhat chaotic; and one would gather from it that Raleigh's colony of Virginia came to naught through his execution, whereas it had ended in failure many years earlier.

H. E. E.

*The False Dmitri, a Russian Romance and Tragedy, described by British Eye-witnesses, 1604-1612*, edited, with a preface, by Sonia E. Howe (London: Williams & Norgate, 1916), is an extremely interesting collection of reprints from contemporary reports bearing on the social and political revolution which convulsed Russia from 1598 to 1613, i.e. from the extinction of the old dynasty founded by Ivan Kalitá (1328-1341) till the election of that of the Románovs. In this period Dmitri or Demetrius, who claimed to be the son of Ivan the Terrible by his fifth wife, and actually reigned as tsar from 1605 to 1606 and was a most enlightened ruler, played a principal part. The book really forms a sort of appendix to the authoress's *A Thousand Years of Russian History*. The personality and identity of Demetrius are to be fully treated in a book now in preparation by the authoress, *Some Russian Heroes, Saints, and Sinners*. The two longest documents included are the account, translated from the Dutch and published in London in 1607, of the short and tragic reign of Demetrius, and that by Brereton, published in London in 1614, of the war waged by Tsar Vasili (= Basil) Shúiski against the king of Poland and the second pretender Dmitri. The collec-

tion has been ably arranged and edited, and contains some interesting contemporary portraits (incidentally, those of Boris Godunov and Vasili Shúiski are known to be purely fictitious) and illustrations, and forms a valuable addition to the growing number of books on Russian history.  
N. F.

In a handsome and admirably printed volume, published under the direction of a committee of the Carnegie Endowment, on *Epidemics resulting from Wars* (London: Milford, 1916), Dr. Friedrich Prinzing sets forth the extent to which such epidemics have affected civilian populations in modern times. Although his researches extend over the diseases consequent on many wars, he gives especial prominence to the pestilences prevalent in Germany during the thirty years' war, the ravages of typhus fever in Central Europe from 1812 to 1814, whether disseminated directly by the remnants of the 'Grand Army' which returned from the invasion of Russia or following Napoleon's campaign in Saxony, and the epidemic of small-pox in France during the later period of the war of 1870-1, attributed to the inadequate vaccination of the French army as a whole and especially of the forces hastily organized for the relief of Paris: it spread to Germany and there raged with extreme virulence, particularly in Prussia and Saxony, where compulsory vaccination was not introduced until 1874. The book, which is full of interesting details, appears at an appropriate time: it reminds us of the debt the empire owes to the medical profession and those who have carried out its recommendations in preventing disease among our armies, and warns us of the necessity of preparedness to cope with any epidemic that may affect our country either during the progress of the present war or after its termination.  
W. H.

In his edition of Milton's *Of Reformation touching Church-discipline in England* (New Haven, Connecticut: Yale University Press, 1916) Dr. W. T. Hale provides a reprint of the *editio princeps* of 1641, with an introduction, notes, and glossary. The chief importance is claimed for the notes (p. iv). Dr. Hale has shown skill and persistence in tracing Milton's sources, and has discussed this part of his work in an interesting section of the introduction. He seems to us, if we may say so, somewhat to overestimate his author's 'profound scholarship'. Dr. Hale's industry has left some difficulties unsolved and admitted some errors. The note on 24. 5 taxes Milton with having extracted Commodus as the name of Constantine's nephew from the 'commodae indolis iuuenem' of Eutropius, *Brev.* x. 6. The real offender was Landolfus Sagax, or the copyist who misled him (see *Historia Miscella*, xi. 13 'bonae indolis iuuenem, sororis filium, Commodum interfecit'.) The note on 'Lucius the first Christian King of this Iland', 39. 22, is inadequate. Harnack's view should have been noticed: see *ante*, xxii. 767 ff., 1907. At 39. 34 'lettice for their lips' ought to have been explained by 'similem habent labra lactucam' (St. Jerome, *Epistles*, vii. 5). In a note to 42. 10 Theodosius II is said to have been the son of Theodosius the Great, and the note on Lady Jane Grey, 65. 10, has more than one serious mistatement. At 74. 7 'that

sad Intelligencing Tyrant' is not Philip II, but Philip IV, or else the king of Spain generally. There is a singular anachronism at p. xxxix, where we read of 'the communion-table, which had degenerated into a receptacle for hats and umbrellas'. The excellence of the type (the marginal numbers in the text excepted) makes the numerous misprints the more glaring. We noticed over one hundred, mostly in the Latin quotations of the notes.

E. B.

Dr. N. Japikse's *Johan De Witt* (Amsterdam: Meulenhoff, 1915) is a volume of the Dutch Historical Library published under the general editorship of Dr. H. Brugmans. Its purpose is to satisfy the interest of the Dutch people in De Witt's life and work, and it makes no claim to original research, though it shows unmistakable evidence of knowledge of the authorities. It is an excellent account of De Witt, which though inspired with obvious admiration for his honesty, energy, and capacity does not conceal the weaker side of his character as a statesman, his exclusiveness and failure to keep in touch with the sentiments of the great mass of his countrymen, a failure which led directly to the bloody scenes of 20 August 1672. These scenes, which are described in great detail, give a kind of tragic grandeur to the narrative of De Witt's life. De Witt's life is not, of course, intelligible to the ordinary reader without a good deal of explanation with regard to the constitutional and diplomatic circumstances of the time, and Dr. Japikse does not fail to make these clear, bringing out for instance the fundamental weakness of the oligarchical régime of which De Witt was a supporter. That régime was nominally one of freedom. It was republican in form and repudiated the rule of a prince. Yet it laid so much stress on provincial independence, that the machine, which never worked well, was practically certain to break down, as in fact it did break down, when sufficient pressure was applied from outside, with the result that the prince's rule had to be restored. The constitution of the Netherlands worked in fact even worse than that of most federations. De Witt spent his life in trying to make the machine work, and it is his success and not his failure which is wonderful. The book is illustrated with reproductions of contemporary engravings, &c., which are interesting, but some are on so small a scale as to be very difficult to make out, and there is one bad omission—there is no index.

H. L.

An uncommonly useful index to the journals of Constantine Huygens the younger was published by the Historisch Genootschap gevestigd te Utrecht in 1906.<sup>1</sup> Excellent as it is, there were naturally errors in it; for instance, in the identification of the many persons of minor note mentioned in the journals. The Society has therefore brought out a stout volume of more than 800 pages containing notes and corrections (*Aanteekeningen en Verbeteringen op het Register op de Journalen van Constantijn Huygens den Zoon*. Amsterdam: Müller, 1915). This volume, which is the work of the late Jonkheer Mr. J. H. Hora Siccama, retains the alphabetical arrangement of the old index, which it is not designed to supersede but to correct

<sup>1</sup> See *ante*, xxii. 406.

and supplement. It gives us substantially a brief biographical dictionary of all the people with whom a widely travelled Dutchman of high family came into contact in the second half of the seventeenth century. It also includes the names of places mentioned in the journals. The English entries, which are very numerous, are to us particularly welcome. They are carefully written and the best authorities have been consulted. A few mistakes may be pointed out. The description of 'Cramborne' on p. 177 belongs to Charnock (p. 152) and the date of the latter's execution is wrongly given. Gresham College is not in Cambridge (p. 339); nor is Newgate Street in the east part of the *city* of London (p. 493). Abingdon (not 'Abington') should not be called a 'dorp' (p. 2): in the seventeenth century it was a parliamentary borough and an assize town. 'Burghclerc' (p. 513) is a misprint for Burghclere. But the general accuracy of the book is remarkable.

D.

*Travels in the American Colonies, 1690-1783* (New York: Macmillan, 1916), is an interesting collection of hitherto unpublished manuscripts, descriptive of travel in colonial days, edited by Mr. N. D. Mereness. The Diaries have, for the most part, little historical or political significance; but it is curious to note in the Journal of Captain Phineas Stevens the record of the ransom of John Stark, the hero of Bennington, for 'an Indian pony . . . for which he paid 515 livres'. In Lord Adam Gordon's Journal of 1764-5 we find contemporary political reflexions of some interest:

The Quakers here bear the great sway in government, which is clogged and incumbered, and I cannot help wishing that this, and every other Proprietary Government, in America were reannexed to the Crown, and governed by royal governours, whose salaries ought to be permanent and independent of the fickle will and fancy of those they are sent to superintend; till this most desirable end shall take place, America will never cordially unite, or be induced to act warmly and effectually, either towards their own defence, or to such other purposes, as may equally tend to their own, and to the honour and advantage of Great Britain.

Gordon's views regarding the Canada of 1764 were, in some ways, singularly far-sighted. In Boston he noted the power of the levelling principle: 'Everybody has property, and everybody knows it.'

H. E. E.

In *The National History of France* (London: Heinemann, 1916) two more volumes have been published. *The Eighteenth Century*, by M. Casimir Stryiński, covers the period from 1715 to Necker's return to power in 1788, and is written chiefly on the lines of personal and anecdotic history. The author has a wide knowledge of memoirs and contemporary epigrams, and his quotations are apt; he makes specially good use of Joseph II's letters to illustrate the character of Marie Antoinette. On the other hand, the military history is scantily and carelessly written, even for a work that is avowedly for popular perusal. In sketching the surface movements of society and the characters of men like Law and Dubois M. Stryiński writes vividly, and the English translation by Mr. H. N. Dickinson is well done. *The French Revolution* by M. Louis Madelin is a work of much higher value, as it embodies many results of recent research.

and, in addition to a lucid and trustworthy narrative, contains political comments and judgements of great interest. It is impossible for any French historian, or any French moralist, to write with cold impartiality about the Revolution, but M. Madelin, though he fears that, like Montaigne, he may be 'a Ghibelline to the Guelphs, a Guelph to the Ghibellines', records the views of the best-informed opinion in France. He has, in fact, written by far the ablest short account of the Revolution that we possess. Some points illustrating modern conceptions may be briefly indicated. 'Ever since the beginning of the eighteenth century the peasant had been buying the land: almost one-third of the soil of France was held by French peasants' in 1789. 'Models' for the *Cahiers* were disseminated all over the country by local organizations, even if no central organization existed. The lower clergy, urged by strong anti-episcopal feeling, included many democrats in their ranks, and remained friends of the Revolution until they were alienated by the civil constitution of the church. The National Guard was organized, not as a protection against the court, but as a shield against the robbers, who were dreaded more than any other danger in Paris in July 1789. August 4, the day of renunciations, was a delirium: 'months had to elapse before anything even tolerably coherent could be evolved out of these legislative effusions.' Again and again during the Revolution it was the plot of one party against another, rather than any force of public opinion, that led on to decisive actions. Thus the Mountain was determined that the king should die, because Robespierre knew that such an event would make divisions among the Girondins. M. Madelin thinks that many other investigations must be made before categorical conclusions can be reached as to the effects produced by the sales of national property. 'We are beginning to see light. The sale of the property of the nation was neither an event which, as the fanatical supporters of the Revolution hold, was the sole creator of the small holding system of France, nor one, as the opponents of the Revolution believe, which exercised no influence at all on the evolution of that system.' What is M. Madelin's authority for stating (p. 156) that James I had tried to marry Elizabeth?

W. D. G.

In *Texas in the Middle Eighteenth Century* (University of California Publications in History, vol. iii, Berkeley, California, 1915) Professor H. E. Bolton continues his researches into the history of Texas based upon material in the Mexican Archives, to which archives he has already published a guide. These 'Studies in Spanish colonial history and administration' are 'not a history', however, but 'rather a collection of special studies closely related in time and subject-matter' (p. v). The reader who cannot always discern the connexion between 'The San Xavier Missions, 1745-58', 'The Re-organization of the Lower Gulf Coast, 1746-68', 'Spanish Activities on the Lower Trinity River, 1746-71', and 'The Removal from and the Re-occupation of Eastern Texas, 1773-9', will find the book dull. This is partly due to the writer's failure to master his material. Documents are dragged in in chronological order and carefully analysed, whether they be of interest or not. The author has certainly allowed 'the documents to speak by his mouth'; but, unfortunately, they prove

at the best heavy material. In treating of the relations of Texas with Louisiana, the author has relied entirely upon Spanish sources. He would have done well to consult also Series C<sup>13</sup> in the Colonial Archives in Paris, or even the copies of Series B relating to Louisiana which are in the Public Archives of Canada.

H. P. B.

Mr. Chester Martin, the Professor of History at the University of Manitoba, has compiled from the Selkirk Papers, now in the Dominion Archives at Ottawa, an excellent account of *Lord Selkirk's Work in Canada* (*Oxford Historical and Literary Studies*, vol. vii. Oxford: Clarendon Press, 1916). The book throws light on several aspects of Canadian history. To Selkirk's work as a pioneer it is largely due that Western Canada does not now form part of the United States; and nowhere than in these pages could we find more vivid material to illustrate the power, at its prime, of the great North-West Fur Company and of the 'Family Compact' system in Upper Canada, with which it was so closely bound up.

H. E. E.

Mr. E. Lipson's *Europe in the Nineteenth Century* (London: Black, 1916) is 'an outline history' of the countries of Europe, other than England, from 1815 until the outbreak of the Great War, well equipped with portraits and maps and clearly and carefully written. The chapter on the Balkan States will probably be the most valued by the 'general readers' for whom the book is intended.

G. B. H.

In *Lamartine Orateur* (Hachette, 1916), M. Barthou, an ex-premier of France, has made a spirited and in large measure successful attempt to reverse traditional judgements and prejudices. The popular view of Lamartine as an inspired poet who strayed into politics in middle life, delivered some eloquent speeches during the reign of Louis-Philippe, and proved unable to ride the whirlwind of 1848, is indignantly rejected by his latest biographer, who boldly claims for him a place among the ablest and wisest statesmen of modern France. With the aid of copious quotations and some new material he traces his evolution from the royalism of his youth to the republicanism in which he died. His first political pamphlet, *La Politique Rationnelle*, published in 1831, revealed a forceful and original thinker, and he quickly won a position of almost unchallenged authority in the chamber. No man of his time saw so clearly or stated so lucidly the real requirements of France. He offered equal opposition to the chauvinism of Thiers, the sterile quietism of Guizot, and the feverish evocations of the Bonapartists. He warned successive governments that if they neglected social reform and declined to enlarge the franchise, there would be trouble. In a speech of matchless eloquence and courage he opposed the transfer of Napoleon's remains from St. Helena. 'These ashes,' he cried in a prophetic phrase, 'are they even now cool enough for us to touch?' He has been charged by Thureau-Dangin and other historians of the Right with the overthrow of the July monarchy; but M. Barthou is on stronger ground in attributing that event to the neglect of his warnings. The catastrophe which he had foretold brought him the power which he had never sought. His biographer portrays with

loving admiration his desperate struggle against the flood of anarchy which surged around him. A single hesitation, a single slip of the tongue would have been his death-warrant; but he was as calm on the steps of the Hôtel de Ville as at the tribune of the Chamber. His only mistake was to support the election of a president by universal suffrage; but its penalty was the overthrow of the republic and the relegation of its noblest figure to penurious obscurity. M. Barthou has told his hero's story with infinite spirit, and no reader of his pages can ever again dismiss Lamartine as an ineffective political amateur.

G. P. G.

Various addresses delivered by Dr. Cunningham in the United States in 1914 have been published together under the title, *English Influence on the United States* (Cambridge: University Press, 1916). They contain some striking observations on architectural relics of the English example. The theory which has connected the 'stars and stripes' with Washington's family arms is incidentally discarded. Of later-day British influence, whether moral or political, on the United States, Dr. Cunningham's estimate is rightly modest: 'There are large areas on the American continent where there is little consciousness of English ancestry. . . . Racial affinities are of comparatively little importance in determining the politics of a country in modern times.'

G. B. H.

The fifth volume of the *Pouillés*, one of the various series of quartos which are replacing the folio *Recueil des Historiens de la France*, contains another posthumous work of M. Auguste Longnon, the *Pouillés de la Province de Trèves* (Paris: Klincksieck, 1915). The work has been completed by the Abbé V. Carrière, who had assisted the late editor since 1904 and had himself transcribed or collated the numerous manuscripts preserved in Prussian territory. There is a grim humour in the appearance at this moment of a work which in the circumstances of its production exemplifies the world-wide brotherhood of the republic of letters, dealing, as it does, with a considerable portion of the western theatre of the war. The names with which the newspapers have made us so sadly familiar peep out from every page of the elaborate index. The book is a collection of the documents, whether previously published or not, which illustrate the ecclesiastical constitution of the archbishopric of Trèves and its three suffragan sees—Metz, Toul, and Verdun. It includes ecclesiastical taxations, accounts of tenths, synodals, procurations, &c., and is a valuable commentary on the class of information contained in our English and Irish *Taxations of Pope Nicholas*, *Bagimont's Roll*, the *Valor Ecclesiasticus*, and its derivatives. It is characteristic of M. Longnon's method that the territorial dispositions of the dioceses are traced, when possible, to their Roman sources, the *pagi* of the later empire, and followed down to the arrangements of the eighteenth century. Careful identifications are provided, and these are corrected, when necessary, in the index and the long list of corrigenda. The most interesting documents, perhaps, are the archidiaconal *Protocolla* of the fourteenth and fifteenth centuries, specifying the exact incidence in each parish of the dues and services rendered to the archdeacon in his periodical tour round his district. Even

the maintenance of dogs and cats is provided for. Almost equally attractive are the visitation documents of the sixteenth century, which show the spread of Lutheranism and the ravages due to the wars of religion.

C. J.

Nearly one-half of Mr. A. R. Ingpen's book, *An Ancient Family* (London: Longmans, Green & Co., 1916), is occupied with an appendix of charters and extracts from records. Most of these texts are of the thirteenth century or later; it is well that selections of such records should be printed from time to time. For the rest, the first sixty-six pages contain an account of the general social history of England; an unhappy identification of the married thegn Wulfgar of Collingbourne with a later Wulfgar, abbot of Abingdon, who died in 1016, is included in this section. It is followed by a short chapter on the 'hamlet' of Inkpen, and this again by an account of the family which took its name from that place. At the end of the book there is inserted a genealogical table tracing on apparently sound evidence the descent of the family from one Nicholas of Inkpen of c. 1200. The selection of records could profitably have been increased by the insertion of the three twelfth-century Inkpen charters acquired with the Aston Hall documents by the British Museum in 1903 and by a reference to the early thirteenth-century grant of lands in Kintbury to a Roger 'de Ingepenne' probably, but not certainly, connected with this family (Add. Chart. 47430).

F. M. S.

Sir Charles Lucas's well-known work on the *Historical Geography of the British Colonies* has been extended to include India, and the first part of the volume (no. vii) which is to be devoted to that subject has now been published by the Clarendon Press (1916). This carries the history of British India down to the close in 1858 of the East India Company's share in its administration; a second part is to continue the narrative to the present day; while a third will deal exclusively with the geography. The author of the first instalment is Mr. P. E. Roberts; and those who are acquainted with the brilliant chapter in which he finished Sir William Hunter's *History of British India*, and with his subsequent contributions to the *Cambridge Modern History*, will agree that no better choice could have been made. This impression is deepened by a perusal of the volume. Mr. Roberts writes with a full knowledge of his subject, and his work is far from being a mere condensation of previous histories. In dealing with controverted questions he is perhaps at his best. The evidence on both sides is carefully and impartially stated, and in his final verdict he will nearly always carry the reader with him. No better introduction to the history of the British connexion with India need be desired.

W. F.

The *Catalogue of Manuscripts in European Languages belonging to the Library of the India Office* deals in vol. i with the Mackenzie collections, of which part i contains a description of the 1822 Collection and the Private Collection, by Mr. C. O. Blagden (published by order of the Secretary of State for India in Council; Oxford: University Press,

1916). Colonel Mackenzie, who was subsequently surveyor-general for India, went to Java with the British expedition in 1811 and remained there till July 1813, during which time he collected with indefatigable energy everything on which he could lay his hands relating to the history and condition of Java and the Dutch East Indies. He not only drew on the official archives, but being on terms of private friendship with a number of the Dutch colonists (he married a Dutch lady during his stay) he drew freely on private sources. The part of the collections here catalogued which was called the 1822 Collection was official in character and handed over to the government of India at his death; the other part, called Private, was offered at his death to government, who purchased a great part of it. These collections are independent of the Mackenzie collections of which a descriptive catalogue was published in two volumes at Calcutta in 1828. A good deal of the collections consists only of translations of published works or of records still existing at Batavia, but some of copies from the Batavian archives appear not to be represented there now even by copies, and the Private Collection contains much from native sources and a lot of miscellaneous matter, private letters, &c. The documents are by no means confined to what are now the Dutch East Indies, for they include, e.g., a valuable report on Malacca of 1678, and a series of reports on the Coromandel coast. The catalogue bears every appearance of having been compiled with great care and thoroughness. H. L.

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CORRECTIONS IN THE NUMBER FOR OCTOBER 1916.

p. 587. The Rev. Oswald J. Reichel, while thinking that Mr. Round has established beyond doubt that the supposed birthplace of Henry de Bracton must have been Bratton Fleming, disputes his identification of 'Aylescoth et Were'. 'This estate', he writes, 'had been held in Domesday by Erchenbald le Fleming of the count of Mortain, and, like the rest of the Fleming estates, was held in 1241 of the honour of Launceston. It is therefore impossible that Aylescoth can be Aylscot in West Down, or that Were can be Wear Giffard, because both of these were at the same date held of entirely different honours. Aylscot in West Down appears in Domesday as Ailesuescota or Elluescote, and it was then held by the bishop of Coutances (*Victoria History of Devon*, p. 422 b), previously by two brothers. Now all the bishop of Coutances' estates in Devon formed the honour of Barnstaple, and in 1241 Aylvecoth was held of that honour for two-thirds of a fee by Mabilia de Dune through a middle lord (*Testa*, p. 175 a). In 1241 Walter Giffard held Were [Giffard], Holnham [in Little Torington], and Polham [in North Molton] for one fee of the honour of Plymton (*Testa*, p. 181 a); and Little Wear in Wear Giffard has always been a separate manor. In 1086 Little Wear was the estate of Odo son of Gamelin (*Vict. Hist. of Devon*, p. 492), and, like the rest of Odo's estates, belonged to the honour of Tariton. The Were held with Alverdiscot is doubtless Wear in Westleigh which lies westward of and immediately adjoins Alverdiscot.'

Mr. Round asks us to say that he derived the identification which he gave of 'Were' from a paper by the late Rev. T. W. Whale, published in the *Transactions of the Devon Association*. It appears, however, that Mr. Whale subsequently changed his opinion.

p. 593. Mr. Reichel adds a correction with reference to West Buckland. 'Buckland Fitz Walter', he writes, 'is not West Buckland, but Buckland Filleigh, otherwise South Buckland. It was Ermegarda's own property which she inherited (*Trans. of the Devon Assoc.*, xli. 241). Her second husband, William de Punchardon, had West Buckland also.' Mr. Round, he says, was misled by the late Rev. F. C. Hingeston-Randolph (*Bronescombe Reg.*, p. 282).

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# THE ENGLISH HISTORICAL REVIEW

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## *Salonika*

SALONIKA, 'the Athens of Medieval Hellenism', has been by turns a Macedonian provincial city, a free town under Roman domination, a Greek community second only to Constantinople, the capital of a short-lived Latin kingdom and of a brief Greek empire to which it gave its name, a Venetian colony, and a Turkish town.<sup>1</sup> There, in 1876, the murder of the consuls was one of the phases of the Eastern crisis; there, in 1908, the Young Turkish movement was born; and there, in 1913, King George of Greece was assassinated.

Nor has Salonika's contribution to literature been inconsiderable. The historian Pétros Patrikios in the sixth century; the essayist Demétrios Kydónes, who wrote a 'monody over those who fell in Salonika' in 1346, during the civil war between John Cantacuzene and John V Palaiológos; John Kameniátēs and John the Reader, the historians respectively of the Saracen and the Turkish sieges, and Theodore Gazēs, who contributed to spread Greek teaching in the West, were natives of the place. Plotinos and John, hagiographers of the seventh century; Leo,

<sup>1</sup> Greek medieval scholars, owing to the disturbed political conditions, have scarcely had time since Salonika became Greek to continue the historical studies of Tafel, Papageorgiou, and Tafrali—for even the last composed his two valuable treatises on the topography of Salonika and its history in the fourteenth century (see *ante*, xxix. 128–131) before the reconversion of the mosques into churches and while the city was still Turkish. But the well-known medievalist, Professor Adamantiou, has already written a handbook on Byzantine Thessalonika, 'Ἡ Βυζαντινὴ Θεσσαλονίκη' (Athens, 1914); M. Risal has popularized the story of this 'Coveted City', *La Ville convoitée* (3rd ed., Paris, 1917); K. Zesiou, the epigraphist, has examined the Christian monuments; Professor Lámpros, the present premier, has published 'eight letters' of its Metropolitan Isidore, who flourished towards the end of the fourteenth century; and K. Kugéas has edited the note-book of an official of the archbishopric who was at Salonika between 1419 and 1425, a few years before its conquest by the Turks. See Πρακτικὰ τῆς . . . Ἀρχαιολογικῆς Ἐταιρείας τοῦ 1913, pp. 119–57; *Néos Ἑλληνομνήμων*, ix. 343–414; *Byz. Zeitschr.*, xxiii. 144–63.

the famous mathematician of the ninth; Nikéttas, who composed dialogues in favour of the union of the churches; Eustáthios, the Homeric commentator, historian of the Norman siege and panegyrist of St. Demétrios; Nikephóros Kállistos Xanthópoulos, the ecclesiastical historian; Gregórios Palamás, Neílos, and Nicholas Kabásilas, the polemical theologians of the fourteenth century; and Symeon, the liturgical writer, who died just before the final Turkish capture of the city, were among those who occupied this important metropolitan see; while the rhetoricians, Nikephóros Choúmnos and the grammarian Thomas Mágistros, addressed to the Thessalonians missives on the blessings of justice and unity in the fourteenth century. And precedents for the exile of Abdul Hamid at Salonika may be found in the banishment thither of Licinius, the rival of Constantine, of Anastásios II in 716, and of Theodore Studita during the Iconoclast controversy.

Salonika has no very ancient history. It did not exist till after the death of Alexander the Great, when Kassander, who became king of Macedon, founded it in 315 B. C., and gave to it the name of his wife, Thessaloníke, who was half-sister of the famous Macedonian conqueror, just as he bestowed his own upon another town, from which the westernmost of the three prongs of the peninsula of Chalkidiké still retains the name of Kassándra. When the Romans conquered and organized Macedonia, Thessalonika became the capital of that province, remaining, however, a free city with its own magistrates, the *πολιτάρχαι*, to whom St. Paul and Silas were denounced on their memorable visit. It is a proof of the technical accuracy of the author of the Acts of the Apostles, that this precise word occurs as the name of the local magistracy in the inscription formerly on the Vardar gate, but now in the British Museum. The description in the Acts further shows that the present large Jewish colony of Salonika, which is mostly composed of Spanish Jews, descendants of the fugitives from the persecutions of the end of the fifteenth century, had already a counterpart in the first. We may infer that Salonika was a prosperous town, and its importance in the Roman period is shown by the fact that Cicero, who was not fond of discomfort, selected it in 58 B. C. as his place of exile, and that Piso found it worth plundering during his governorship. But the sojourn of the Roman orator left a less durable mark upon the history of Salonika than that of the Apostle. It was not merely that two of his comrades, Aristarchos and Secundus, were Thessalonian converts, but medieval Greek writers lay special stress upon the piety of what was called *par excellence* 'the Orthodox City'—probably for its conservative attitude in the Iconoclast controversy. Salonika furnished many names to the list of martyrs, and one of them, St. Demétrios, a Thessalonian doctor put to

death in 306 by order of Galerius,<sup>2</sup> became the patron of his native city, which he is believed to have saved again and again from its foes. The most binding Thessalonian oath was by his name;<sup>3</sup> his tomb, from which a holy oil perpetually exuded, the source of many miraculous cures, is in the beautiful building, now once more a church, which is called after him; it was on his day, 26 October (o.s.), that in 1912 Salonika capitulated to the Greek troops, and there were peasant soldiers at the battle of Sarantáporon who firmly believed that they had seen him fighting against the Turks for the restoration of his church and city to his own people,<sup>4</sup> just as their ancestors had beheld him, sword in hand, defending its walls against the Slavs. The story of his miracles forms a voluminous literature, and on the walls of his church his grateful people represented all the warlike episodes in which he had saved them from their foes. Some of these mosaics have survived the conversion of the church into the Kassimié mosque, and among them is a portrait of the saint between a bishop and a local magnate. Nor was St. Demétrios the only Thessalonian saint. The city also cherished the tomb of St. Theodora of Aegina, who had died at Salonika in the ninth century.

Like Constantinople, Salonika was devoted to the sports of the hippodrome; and, in 390, the imprisonment of a favourite charioteer on the eve of a race, in which he was to have taken part, provoked an insurrection, punished by a massacre. Theodosius I, then on his way to Milan, ordered the Gothic garrison to wreak vengeance upon the inhabitants; the next great race-meeting was selected, when the citizens had come together to witness their favourite pastime, and 15,000 persons were butchered in the hippodrome. St. Ambrose, archbishop of Milan, refused to allow the emperor to enter the cathedral, and made him repent for eight months his barbarous treatment of a city where he had celebrated his wedding. Of Roman Salonika there still exists a memorial in the arch of Galerius, with its sculptures representing the emperor's Asiatic victories; a second arch, the Vardar gate, was sacrificed fifty years ago to build the quay; while a Corinthian colonnade, with eight Karyatides, known to the Jews as *Las Incantadas*, a part of the Forum, was removed by Napoleon III to France. The pulpit, from which St. Paul was believed to have spoken, and which used to stand outside the church of St. George, was removed—so I was informed when last at Salonika—by a German in the time of Abdul Hamid.

Salonika had been chiefly important in Roman times, because

<sup>2</sup> Migne, *Patr. Gr.*, cxvi. 1116, 1169, 1173, 1185 (where 'Maximian Herculius' of the text is corrected to Galerius, the younger Maximian).

<sup>3</sup> Akropolitēs (ed. Teubner), i. 82.

<sup>4</sup> Adamantíou, 49.

the Via Egnatia which ran from Durazzo, 'the tavern of the Adriatic' (as Catullus calls it), passed through its 'Golden' and 'Kassandreotic' gates. But in Byzantine days its value was increased owing to its geographical position. As long as the Exarchate of Ravenna existed, it lay on the main artery uniting Constantinople with the Byzantine province in Northern Italy, and it was an outpost against the Slavonic tribes, which had entered the Balkan peninsula, where they have ever since remained, but which, despite many attempts, have never taken Salonika. Of these invaders the most formidable, and the most persistent, were the Bulgarians, whose first war with their natural enemies, the Greeks, was waged for the possession of Salonika, because of the heavy customs dues which they had to pay there, and who, more than a thousand years later, still covet that great Macedonian port, the birthplace of the Slavonic apostles, the brothers Constantine (or Cyril) and Methódios.

The influence of these two natives of Salonika, partly historical and partly legendary, has not only spread over the Slavonic parts of the Balkan peninsula, but forms in the church of S. Clemente a link between the Balkans and Rome. The brothers were intended by nature to supplement one another: Constantine was a recluse and an accomplished linguist, Methódios a man of the world and an experienced administrator. Both brothers converted the Slavs of Moravia to Christianity, and it was long believed that a terrifying picture of the Last Judgement from the hand of Methódios had such an effect upon the mind of Boris, the Bulgarian prince, that he embraced the Christian creed. The real fact is, that Boris changed his religion (like his namesake in our own day) for political reasons, as a condition of obtaining peace from the Byzantine emperor, Michael III, in 864, taking in baptism the name of his imperial sponsor. Tradition likewise attributes to Cyril the invention of the Cyrillic alphabet, which still bears his name and is that of the Russians, Serbs, and Bulgars. But Professor Bury,<sup>5</sup> the latest writer on this question, considers that the alphabet invented by Cyril for the use of the Bulgarian and Moravian converts was not the so-called Cyrillic (which is practically the Greek alphabet with the addition of a few letters, and would, therefore, be likely to offend the Slav national feeling), but the much more complicated Glagolitic, which still lingers on in the Slavonic part of Istria, on the Croatian coast, and in Northern Dalmatia. In this language, accordingly, his translation of the Gospels and his brother's version of the Old Testament were composed, and old Slavonic literature began with these two Thessalonians, whose names form to-day the programme of Bulgarian, just as Dante Alighieri is of Italian expan-

<sup>5</sup> *A History of the Eastern Empire*, pp. 381-401, 485-8.

sion. On another mission, to Cherson on the Black Sea, Cyril is said to have discovered the relics of St. Clement, who had suffered martyrdom there by being tied to an anchor and flung into the waves. He brought them to Rome, where the frescoes in S. Clemente before Monsignor Wilpert's researches were believed to represent the Slavonic apostles, Cyril before Michael III, and the transference of his remains to that church from the Vatican—for he died in Rome in 869.

Thus sentimental and commercial reasons impelled the Bulgarians to attack Salonika. Both the great Bulgarian tsars of the tenth century, Symeon and Samuel, strove to obtain it, and during the forty years for which the famous Greek emperor Basil, 'the Bulgar-Slayer', contended against Samuel for the mastery of Macedonia, Salonika was the head-quarters, and the shrine of its patron-saint the inspiration, of the Greeks, as Ochrida was the capital of the Bulgars. We learn from the historian Kedrenós that there was at the time a party which favoured the Bulgarians in some of the Greek cities; <sup>6</sup> but in 1014 the emperor, like the present king of the Hellenes in 1913, and in the same defile, called by the Byzantine historian 'Kleidíon' (or 'the key')—which has been identified with the gorge of the Struma, not far from the notorious fort Roûpel—utterly routed his rival, and took, like King Constantine, the title of 'Bulgar-Slayer'. Samuel escaped, only to die of shock at the spectacle of the 15,000 blinded Bulgarian captives, each hundred guided by a one-eyed centurion, whom the victor sent back to their tsar. Basil celebrated his triumph in the holy of holies of Hellenism, the majestic Parthenon, then the church of Our Lady of Athens, where frescoes executed at his orders still recall his visit and victory over the Bulgarians. Thus the destruction of the first Bulgarian empire was organized at Salonika and celebrated at Athens, just like the defeat of the same enemies 900 years later. But even after the fall of the Bulgarian empire we find a Bulgarian leader besieging Salonika for six days, and only repulsed by the personal intervention of St. Demétrios,<sup>7</sup> whom the terrified Bulgarian prisoners declared that they had seen on horseback leading the Greeks and breathing fire against the besiegers.

But Salonika was no longer a virgin fortress. An enemy even more formidable than the Bulgarians had captured it, the Saracens, who from 823 to 961 were masters of Crete. Of this, the first of the three conquests of Salonika, we have a description by a priest who was a native of the city and an eyewitness of its capture, John Kameníates, as well as a sermon by the patriarch Nicholas.<sup>8</sup> The 'first city of the Macedonians' was indeed

<sup>6</sup> ii. 451.

<sup>7</sup> *Ibid.*, pp. 529, 531-2.

<sup>8</sup> Migne, *Patr. Gr.*, cx. 26.

a goodly prize for the Saracen corsairs, whose base was 'the great Greek island'. Civic patriotism inspired the Thessalonian priest with a charming picture of his home at the moment of this piratical raid, in 904. He praises the natural outer harbour, formed by the projecting elbow of the Ἐμβολον (the 'Black Cape', or Karaburun, of the Turks);<sup>9</sup> the security of the inner port, protected by an artificial mole; the great city climbing up the hill behind it; the vineyards and hospitable monasteries, whose inmates (unlike their modern successors) take no thought of politics; the two lakes (now St. Basil and Beshik), with their ample supply of fish, which stretch almost across the neck of the Chalkidic peninsula; and to the west the great Macedonian plain (treeless then, as now), but watered by the Axiós (the modern Vardar) and lesser streams. In times of peace Salonika was the *débouché* of the Slavonic hinterland; the mart and stopping-place of the cosmopolitan crowd of merchants who travelled along the great highway from West to East that still intersected it; in short, both land and sea conspired to enrich it. Unfortunately, it was almost undefended on the sea side, for no one had ever contemplated any other danger than that from the Slavs of the country, and the population was untrained for war, but more versed in the learning of the schools and in the beautifully melodious hymns of the splendid Thessalonian ritual.

On Sunday, 29 July, fifty-four Saracen ships were sighted off Karaburun under the command of Leo, a renegade, who on that account was all the more anxious to display his animosity to his former co-religionists. He at once detected the weak point of the defences—the low sea-wall, which had not been put into a state of proper repair,<sup>10</sup>—and ordered his men to scale them. This attempt failed, nor was a second, to burn the 'Roma' and the 'Kassandreotic' gates on the east—the latter destroyed in 1873—more serviceable. The admiral then fastened his ships together by twos, and on each pair constructed wooden towers, which overtopped the sea-wall. He then steered them to where the water was deep right up to the base of the fortifications, and began to fire with his brazen tubes. The sea-wall was abandoned by its terrified defenders, and an Ethiopian climbing on to the top to see if their flight were merely a ruse, when once he had assured himself that it was genuine, summoned his comrades to follow him. A terrible massacre ensued; some of the inhabitants occupied the Akropolis, then known as 'St. David's', but now called 'the Seven Towers', whence a few Slavs escaped into the country; others fled to the two western gates, 'the Golden' and 'the Litaian'—the 'New gate' of the Turks,

<sup>9</sup> Kameniátas, pp. 491, 519; Theodore Studita, in Migne, *Patr. Gr.*, xcix. 917.

<sup>10</sup> An inscription found in 1874 confirms Kameniátas: *Byz. Zeitschr.*, x. 151-4.

destroyed in 1911—where the besiegers butchered them as they were jammed together in the gateways. Our author with his father, uncle, and two brothers took refuge in a bastion of the walls opposite the church of St. Andrew. When the Ethiopians approached, he threw himself at the feet of their captain, offering to reveal to him the hidden treasure of the family, if the lives of himself and his relatives were spared. The captain agreed, but the author did not escape two wounds from another band of pillagers, and witnessed the massacre of some 300 of his fellow citizens in the church of St. George. And, if his life had been spared, he was still a captive; 800 prisoners, besides a crew of 200, were herded in the ship which transported him to Crete, and he has described in vivid language the horrors of that passage in the blazing days of August without air or water. Over and above those who perished during the voyage, which lasted a fortnight for fear of the Greek fleet, 22,000 captives were landed to be sold as slaves. Even then his troubles were not over. A hurricane sprang up on the voyage from Crete to Tripoli, and the narrative closes as the author is anxiously awaiting at Tarsus the hour of his liberation. A curious illustration in a manuscript of Skylítzes remains, like his story, to remind us of this siege.

Salonika recovered from the ravages of the Saracens, who later in the tenth century were driven out of Crete, and the collapse of the Bulgarians in the eleventh enabled her to develop her trade. Three churches, of St. Elias, of the Virgin, and of St. Panteleímon, date from this period, to which belong the extant seals of Constantine Diogénes, Basil II's lieutenant, and of the metropolitans Paul and Leo.<sup>11</sup> The Byzantine satire, 'Timaríon',<sup>12</sup> which was composed in the twelfth century, gives an interesting account of the fair of St. Demétrios, to which came not only Greeks from all parts of the Hellenic world, but also Slavs from the Danubian lands, Italians, Spaniards, Portuguese, and Celts from beyond the Alps. It is curious that this list omits the Jews, now such an important element at Salonika, for they are mentioned in the seventh century, and Benjamin of Tudela, who visited the city about the time that 'Timaríon' was written, found 500 there.<sup>13</sup> As for Italians, we hear of Venetians and Pisans obtaining trading-rights, and having their own quarter and the distinctive name of *Βουργιέσιοι*.<sup>14</sup>

Not long after the brilliant scene described by the Byzantine satirist a terrible misfortune befell Salonika—its capture by the Normans of Sicily. The usurper, Andrónikos I, then sat on the throne, and Aléxios, a nephew of the late Emperor Manuel I, fled

<sup>11</sup> Schlumberger, *Sigillographie*, pp. 102-6.

<sup>12</sup> Ellissen, *Analekten*, iv. 46-53.

<sup>13</sup> Tafel, *De Thessalonica*, p. 474.

<sup>14</sup> Eustáthios (ed. Bonn), p. 449.

to the court of William II of Sicily, and implored his assistance. William consented, and dispatched an army to Salonika by way of Durazzo, and a fleet round the Peloponnese. On 6 August 1185 the land force began the siege, of which the Archbishop Eustáthios, the commentator on Homer, was an eyewitness and historian. Salonika was commanded by David Komnenós, who bore a great Byzantine name, but was—by the accordant testimony of another contemporary, Nikéτας, who describes him as ‘more craven than a deer’, and of the archbishop, who calls him ‘little better than a traitor’—a lazy, cowardly, and incompetent officer, who, in order to prevent his supersession by some one more capable, sent a series of lying bulletins to the capital, that all was well. The walls were in good repair, except (as in 904) at the harbour, but the reservoir in the castle leaked; and many of the most capable inhabitants had been allowed to escape. Still the remainder, and not least the women, who completely put to shame the effeminate commander on his pacific mule, showed bravery and patriotism, while the archbishop specially mentions the courage of some Serbians in the garrison.<sup>15</sup> There were, however, traitors in the city and neighbourhood—Jews and Armenians, and on 24 August the city fell. The conduct of the learned archbishop at this crisis was in marked contrast with that of the miserable commander. Eustáthios acted like a true pastor of his flock. The invaders found him calmly awaiting them in his palace, whence, seizing him by his venerable beard, they dragged him to the hippodrome, and thence, through lines of corpses, to the arsenal. There he was put on board the ship of a pirate, who demanded 4,000 gold pieces as his ransom. As the archbishop pleaded poverty, he was next day escorted to the presence of Aléxios himself, and thence to Counts Aldoin and Richard of Acerra, by whom he was at last restored to his palace, where he took refuge in a tiny bath-room in the garden.

Meanwhile, the Normans had shown no respect for the churches of the city. They danced upon the altars; they used the sacred ointment which flowed from the tomb of St. Demétrios as boot-polish; they interrupted the singing by their obscene melodies and imitated the nasal intonation of the eastern priesthood by barking like dogs. But it is best to pass over the revolting details of the sack, for which the only excuse was the massacre of the Latins in Constantinople three years earlier. Eustáthios, by his influence with Count Aldoin, was able to mitigate some of the tortures of his flock; he describes the miserable plight of these poor wretches, robbed of their houses and almost stark naked, and the strange appearance which they presented (like the Messina refugees after the earthquake of 1908) in their improvised hats

<sup>15</sup> Eustáthios, p. 452.

and clothes. More than 7,000 of them had perished in the assault, but the archbishop notes with satisfaction that the Normans lost some 3,000 from their excessive indulgence in pork and new wine. Vengeance, too, soon befell them. A Greek army under Aléxios Branás defeated them on the Struma, and in November they evacuated Salonika.<sup>16</sup> But their treatment of Salonika embittered the hatred between Latins and Greeks, and prepared the way for the Fourth Crusade.

Barely twenty years after the Norman capture, Salonika became the capital of a Latin kingdom. Boniface, marquis of Montferrat, was the leader of the crusaders who, with the help of the Venetians, overthrew the Greek empire in 1204, and partitioned it into Latin states. Of these the most important after the Latin empire, of which Constantinople became the capital, was the so-called Latin kingdom of Salonika, of which Boniface was appointed king, and which, nominally dependent upon the Latin emperor, embraced Macedonia, Thessaly, and much of continental Greece, including Athens. Of all the artificial creations of the Fourth Crusade, which should be a warning to those who believe that nations can be partitioned permanently at congresses of diplomatists, the Latin kingdom of Salonika was the first to fall. From the outset its existence was undermined by jealousy between its king and the Latin emperor, whose suzerainty he and his proud Lombard nobles were loath to acknowledge. For this reason Boniface, whose wife, Margaret of Hungary, was widow of the Greek emperor, Isaac II, endeavoured to cultivate his Greek subjects. But, in 1207, he was killed by the Bulgarians, who would have taken Salonika, had not a traitor (or, as the pious believed, St. Demétrios) slain their tsar.

Boniface's son, although born in the country and named after Salonika's patron-saint (whose church was, however, the property of the chapter of the Holy Sepulchre while a Latin archbishop occupied the see), was then barely two years old. His mother was regent, but the real power was wielded by her baily, the ambitious count of Biandrate, whose policy was to separate the kingdom from the Latin empire and draw it closer to the Italian marquisate. His quarrels with the Emperor Henry were viewed with joy by the Greeks; and, after his retirement and in the absence of the young king in Italy, the kingdom was easily occupied, in 1223, by Theodore Angelos,<sup>17</sup> the vigorous ruler of Epeiros, where, as at Nice, the city of the famous council, Hellenism, temporarily exiled from its natural capital, had found a refuge. The Greek conqueror exchanged the more modest

<sup>16</sup> Nikéas, pp. 384-401, 471.

<sup>17</sup> Salonika was still Lombard in May 1223: Pitra, *Analecta sacra et classica*, vii. 335-8, 577.

title of 'Despot of Epeiros' for that of 'Emperor of Salonika', while the exiled monarch and his successors continued to amuse themselves by styling themselves titular kings of Salonika for another century. But the separate Greek empire of Salonika was destined to live but little longer than the Latin kingdom. The first Greek emperor, by one of those sudden reverses of fortune so characteristic of Balkan politics in all ages, fell into the hands of the Bulgarians; and, after having been reduced to the lesser dignity of a despotat, the empire which he had founded was finally annexed, in 1246, to the stronger and rival Greek empire of Nice, which, in 1261, likewise absorbed the Latin empire of Constantinople. No coins of the Latin kingdom exist; but we have a seal of Boniface, with a representation of the city walls upon it. Of the Greek empire of Salonika there are silver and bronze pieces, bearing the figure of the city's patron-saint; while a tower contains an inscription to 'Manuel the Despot', identified by Monsignor Duchesne<sup>18</sup> with Manuel Angelos (1230-40), the Emperor Theodore's brother and successor, but locally ascribed to a Manuel Palaiológos, perhaps the subsequent Emperor Manuel II, despot and governor of Salonika in 1369-70.

Salonika, restored to the Byzantine empire, enjoyed special privileges, second only to those of the capital. Together with the region around it, it was considered as an appanage of one of the emperor's sons (e. g. John VII, nephew, and Andrónikos, son of Manuel II). It was sometimes governed by the empresses, two of them Italians, Jolanda of Montferrat, wife of Andrónikos II, a descendant of the first king of Salonika, and Anne of Savoy, wife of Andrónikos III, who was commemorated in an inscription over the gate of the castle, which she repaired in 1355. The court frequently resided there: we find Andrónikos III coming to be healed by the saint, and the beautiful Jolanda, when she quarrelled with her husband, retired to Salonika and scandalized Thessalonian society with her accounts of her domestic life. As in our own day, Salonika was the favourite seat of opposition to the imperial authority. During the civil wars of the fourteenth century, such as those between the elder and the younger Andrónikos and between John V Palaiológos and John Cantacuzene, it supported the candidate opposed to Constantinople, so that we may find precedents in its medieval history for its selection as the head-quarters of the Young Turkish movement. It enjoyed a full measure of autonomy, had its own 'senate', elected its own officials, was defended by its own civic guard, and administered by its own municipal customs. It even sent its own envoys abroad to discuss commercial questions. Its annual fair on the festival

<sup>18</sup> *Mission au Mont Athos*, p. 64; Wroth, *Catalogue of the Coins of the Vandals*, pp. 193-203; Schlumberger, *Mélanges d'Archéologie byzantine*, i. 57.

of St. Demétrios still attracted traders from all the Levant to the level space between the walls and the Vardar. Jews, Slavs, and Armenians, as well as Greeks, crowded its bazaars; scholars from outside frequented its high schools, and Demétrios Kydónes<sup>19</sup> compared it with Athens at its best.

The fourteenth century was, indeed, the golden age of Salonika in art and letters. The erection of the churches of the Twelve Apostles and St. Catherine continued the tradition of the much earlier churches of St. George, St. Sophia, and St. Demétrios. The clergy followed in the footsteps of the learned Eustáthios, and the beauty, wit, and reading of a Thessalonian lady, Eudokía Palaiologína, turned the head of a son of Andrónikos II, when governor of Salonika, 'that garden of the Muses and the Graces', as one of the literary archbishops of the fourteenth century called it. The intellectual activity of the place led to intense theological discussion, and at this period the 'Orthodox' city *par excellence* was agitated by the heresy of the 'Hesychasts', or Quietists, who believed that complete repose would enable them to see a divine light flickering round their empty stomachs, while the so-called 'Zealots', or friends of the people, with the cross as their banner, practised in Salonika the doctrines of Wat Tyler and Jack Cade in medieval England. The exploitation of the poor by the rich and the tax-collectors, and the example of the recent revolution at Genoa, caused this republican movement, which led to the massacre of the nobles in 1346 by hurling them from the castle walls into the midst of an armed mob below. The 'Zealots', like the Iconoclast emperors, have suffered from the fact that they have been described by their enemies, and notably by Cantacuzene,<sup>20</sup> to whose aristocratic party they were opposed. Yet even an archbishop publicly advocated so drastic a measure as the suppression of some of the monasteries, in order to provide funds for the better defence of the city; nor was there anything very alarming in their preference for direct taxation. Thus, Salonika was from 1342 to 1349, under their auspices, practically an independent republic, till they succumbed to the allied forces of the aristocracy and the monks.

Salonika, indeed, continued to have urgent need of its walls, which still remain, save where the Turks completely dismantled them on the sea side in 1866, a fine example of Byzantine fortification. Andrónikos II strengthened them by the erection of a tower, which still bears his initials, in the dividing wall between the Akropolis and the rest of the city. Thanks to them it escaped pillage by the Catalan Grand Company at a time when they

<sup>19</sup> Migne, *Patr. Gr.*, cix. 644.

<sup>20</sup> ii. 234, 393, 568-82; Nikephóros Gregorás, ii. 673-5, 740, 795; Kydónes, in Migne, *Patr. Gr.*, cix. 649.

sheltered two Byzantine empresses. Even during the greatest expansion of the Serbian empire under Stephen Dushan, Salonika alone remained a Greek islet in a Serbian Macedonia. But a far more serious foe than either Catalan or Serb was now at hand. The Turks entered Europe shortly after the middle of the fourteenth century, and advanced rapidly in the direction of Salonika. At least twice<sup>21</sup> before the end of that century—in 1387 and from 1391 to 1403, when Suleyman handed it back—they occupied it, and at last the inhabitants came to the conclusion that, in the weak condition of the Greek empire, their sole chance of safety was to place themselves under the protection of a great maritime power. Accordingly, in 1423, pressed by famine and by continual Turkish attacks, the Greek notables sent a deputation to Venice offering their city to the republic, whether their sickly despot Andrónikos, son of the Emperor Manuel II, consented or no. The Venetians, we are told, 'received the offer with gladness, and promised to protect, and nourish, and prosper the city and to transform it into a second Venice'. The despot, whose claims were settled by a solatium of 50,000 ducats, made way for a Venetian duke and a captain; for seven years Salonika was a Venetian colony.<sup>22</sup>

The bargain proved unsatisfactory alike to the Venetians and the Greeks. Their brief occupation of Salonika cost the republic 700,000 ducats—for, in 1426, in addition to the cost of administration and repairs to the walls, she agreed to pay a tribute to the Sultan. Nor was it popular with the natives, especially the notables, many of whom the government found it desirable to deport to the other Venetian colonies of Negroponte and Crete, or even to Venice itself, on the plea that there was not food for them at Salonika. Others left voluntarily for Constantinople to escape the 'unbearable horrors' and the Venetian slavery. The Turkish peril was ever present, and when envoys solicited peace from the Sultan Murad II, he replied: 'The city is my inheritance, and my grandfather Bajazet took it from the Greeks by his own right hand. So, if the Greeks were now its masters, they might reasonably accuse me of injustice. But ye being Latins and from Italy, what have ye to do with this part of the world? Go, if you like; if not, I am coming quickly.' And in 1430 he came.

Two misfortunes preceded the fall of Salonika—the death of the beloved metropolitan, and an earthquake. There was only

<sup>21</sup> Müller, *Byz. Analekten in Sitzungsberichte der Wiener Akademie*, ix. 394; Chalkokondýles, pp. 47, 174; Phrantzês, p. 47; Doúkas, pp. 50, 199; *Diplomatarium Veneto-Levanticum*, ii. 291; *Βυζαντίς*, i. 234.

<sup>22</sup> Doúkas, p. 197; Phrantzês, pp. 64, 122; Chalkokondýles, p. 205; Sáthas, *Mon. Hist. Hell.*, i. 133-50.

one man to defend every two or three bastions, and the Venetians, distrusting the inhabitants, placed a band of brigands between themselves and the Greeks, so that, even if the latter had desired to accept the liberal offers which Murad made them, they dared not do so. Chalkokondýles hints at treachery, and a versifying chronicler<sup>23</sup> makes the monks of the present Tsaoush-Monastir near the citadel urge the Sultan to cut the conduits from the mountain, which supplied the city with water, and ascribes to their treason their subsequent privileges. But even the wives of the Greek notables joined in the defence, until a move of the Venetian garrison towards the harbour led the Greeks to believe that they would be left to their fate. On 29 March, the fourth day of the siege, a soldier scaled the walls at the place near the castle known as 'The Triangle', and threw down the head of a Venetian as a sign that he was holding his ground. The defenders fled to the Samareía tower<sup>24</sup> on the beach—perhaps the famous 'White Tower', or 'the Tower of Blood' as it was called a century ago, which still stands there and which some attribute to the Venetian period, or at least to Venetian workmen—only to find it shut against them by the Venetians, who managed to escape by sea.

In accordance with his promise, Murad allowed his men to sack the city, and great damage was inflicted on the churches in the search for treasure buried beneath the altars. The tomb of St. Demétrios was ravaged, because of its rich ornaments and to obtain the healing ointment for which it was famous, while the relics of St. Theodora were scattered, and with difficulty collected again. Seeing, however, the wonderful situation of Salonika, the Sultan ordered the sack to cease, and began to restore the houses to their owners, contenting himself with converting only two of the churches, those of the Virgin and of St. John Baptist, into mosques. It is pleasant to note that George Brankovich, the despot of Serbia and one of the richest princes of that day, ransomed many prisoners. Two or three years afterwards, however, the Sultan adopted severer measures towards the captured city. He took all the churches except four (including that of St. Demétrios, which, as the tomb of Spantoúnes shows, was not converted into a mosque till after 1481), built a bath out of the materials of some of the others, and transported the Turks of Yenidjé-Vardar to Salonika, which thus for 482 years became a Turkish city. Chalkokondýles<sup>25</sup> was

<sup>23</sup> Sathas, *Μεσαιωνική Βιβλιοθήκη*, i. 257.

<sup>24</sup> Perhaps the name is a reminiscence of the bishop of Samaria, to whom Mount Athos belonged from 1206 to 1210: Innocent III, *Epp.*, ix. 192.

<sup>25</sup> p. 235; Anagnóstes; Phrantzês, pp. 90, 155; Doukas, pp. 199–201; *Byz. Zeitschr.*, xxiii. 148, 152; N. Έλλ., v. 369–91.

not far wrong when he described its fall as ' the greatest disaster that had yet befallen the Greeks '.

When, on St. Demétrios' day, 1912, the victorious Greeks recovered Salonika, all those churches, sixteen in number, which had existed before the Turkish conquest were reconverted into Christian edifices ; and when I was there in 1914, it was curious to see the two dates, 1430 and 1912, the former in black, the latter in gold, on the eikonostasis of the Divine Wisdom, the church which was perhaps founded before the more famous Santa Sophia of Constantinople. Almost the last acts of the Young Turks before they surrendered Salonika was to destroy not only the ' Gate of Anna Palaiologina ', but also the ' New gate ', which bore the inscription recording the Turkish capture.

WILLIAM MILLER.

*Benefit of Clergy in the time of  
Edward IV*

THE despotism of the Tudors, gratefully accepted by a prosperity-loving England, was founded upon the idea that within the national boundaries the state could brook no rival. Not only must there be no interference from without ; there must also be no competitors within. Only when the state was supreme could order be restored ; only by the extinction of liberties could liberty be gained. This is the general principle which, while far from exhausting its significance, is essential to the understanding of that complicated series of movements known as the English Reformation.

But the Reformation would hardly have been English if such a principle had been recognized in the abstract and applied in a series of logical and sweeping reforms. It was with the eminently practical difficulty of the abuses arising from clerical immunities that Tudor policy was first concerned. These immunities formed by far the most formidable set of liberties by which the new monarchy was threatened, for behind them stood not an over-mighty subject whom a Star Chamber could check, not a local community which based its rights on a royal charter, but an undying and universal corporation, strong in the tradition of centuries, powerful in its influence and wealth, unhesitating in the audacity of its claims. Ultimately it must have become obvious that so long as the existing relations of church and state remained, so long would clerical immunities not only involve possibilities of abuse, but in themselves be symptoms of a menace ; the impulse which led to a fundamental change in these relations came finally from another direction, but when Henry VII restricted benefit of clergy and the use of sanctuary, he was embarking on a course which would in the end have carried him and his successors to a goal he little thought of. Herein lies the importance of his measures of ecclesiastical reform, and in order to understand those measures we have to obtain some clear picture of the conditions which made

them necessary. The reforms themselves are well known,<sup>1</sup> and the various acts and bulls naturally give evidence as to the abuses they were designed to remedy, but there is room for an attempt to find out more definitely what clerical immunities meant in actual practice during the Yorkist reigns.<sup>2</sup>

The church in the reign of Edward IV seems deliberately to have sought not only to maintain but also to improve its position. For three hundred years the claims of the state had been steadily advancing. Henry II had been unable to secure the full acceptance of the Constitutions of Clarendon,<sup>3</sup> in which he had laid down that clerks should be indicted before secular justices; yet by the time of Edward II not only indictment but preliminary inquiry was held in the secular courts,<sup>4</sup> and in the reign of Edward IV, as will appear below, the trial itself was conducted there and the clerk pleaded his clergy only after conviction. During the fifteenth century, however, the upholders of clerical privilege may well have thought that they had found their opportunity in the weakness of kings who were willing to purchase ecclesiastical support, and in the breakdown of administrative order.

The completeness of this breakdown can be illustrated from the abuses concerned with that secular justice which the clergy sought to escape. In 1465 Margaret Paston, in despair of finding any one who would hold her court in her manor of Drayton and thus face the 'pepill that shuld be there of the Duke of Suffolk's parte', at last fell back upon her chaplain, Sir James Gloys, whom she sent with one Thomas Bonde to perform a duty which certainly proved to be perilous. In the manor yard at Drayton, Thomas and James met the duke's agents who had come to hold the court for him and were supported by sixty persons or more, 'sum of hem havynge rusty pollexis and byllys'. Bonde was seized, his arms were bound 'behynde hym with whippe cord like a theffe', and he was carried, finally, to Norwich. Sir James, though his authority as John Paston's messenger was rudely set aside, seems to have escaped more lightly.<sup>5</sup> It is worthy of note in passing that the chaplain would not at any time have been able to plead his clergy in the court over which he was now sent to preside, for the offences of which the manorial courts took cognizance were not clergyable, and a parson had no more protection than any one else if he cut

<sup>1</sup> Cf. Pollard, *Reign of Henry VII*, i. lxiv ff.

<sup>2</sup> The evidence quoted in the following pages has been collected with special reference to three dioceses, Lincoln, Norwich, and Ely, which stretched from the Humber to the Thames. The conclusions reached, therefore, apply to the east of England, though nothing has been found to suggest that conditions in this district were peculiar.

<sup>3</sup> Adams, *Political History of England*, p. 300.

<sup>4</sup> *Year Books* (Selden Society), v, pp. lxxiii f.

<sup>5</sup> *Paston Letters*, ii. 214, 215.

down a hedge overhanging the common way,<sup>6</sup> or tied his horses in the road,<sup>7</sup> or diverted a watercourse to the damage of his neighbours,<sup>8</sup> or overburdened the village common 'cum bestis et animalibus suis'.<sup>9</sup> A vicar or rector was in no way helped by his cloth or his tonsure when he went poaching, as he often did, with ferrets and nets on the great rabbit warrens of Norfolk.<sup>10</sup>

But it was not only those who presided in manorial courts who might meet with violent opposition. In 3 Edward IV the king's justices were prevented from holding the sessions in Cambridge by Thomas Parson and others whom he had assembled. The object of these men was to prevent their own indictment, and the audacity of their action well illustrates the lengths to which it was possible to go, and shows that in truth 'the world [was] right wild'. They said that

all those that were empannelled to be at Cambridge before the said justices that indicted the said Thomas Parsons or any of them of any treasons, felonies or trespasses by them done, they would seek in their houses and smite off their heads, and furthermore they sent their messengers to the said justices, saying with that condition that the said Thomas Parsons nor none of them of the said treasons, insurrections and trespasses should be indicted, they would that the said sessions by the said Justices should be holden or else that they would put them in devoir to let the said Justices to keep any sessions.<sup>11</sup>

In Kent the vicar of a certain parish seems to have been prominent in upholding disorder, or, as he may have preferred to put it, in defending local liberties. He announced to his parishioners with a loud voice from the pulpit that if any sheriff or other minister of the king should come to the town he should then ring the great bell of the church, and at the sound all the inhabitants were to assemble and slay the officer, in order that no royal writ should be executed. One of the king's bailiffs was actually thus attacked, but the parson was afterwards indicted before the justices.<sup>12</sup>

Even if judicial forms were observed, maintenance and embracery often made the obtaining of justice impossible, and men seem to have given full scope to their ingenuity in the invention of feigned actions and new methods of fraud. Numberless illustrations may be found in the Early Chancery Proceedings, but it will be enough here to quote the case of a certain unhappy

<sup>6</sup> Public Record Office, Court Rolls, bundle 178, no. 16.

<sup>7</sup> *Ibid.*, bundle 104, no. 1411.

<sup>8</sup> *Ibid.*, bundle 179, no. 70.

<sup>9</sup> *Ibid.*, bundle 213, no. 61.

<sup>10</sup> Public Record Office, Duchy of Lancaster Court Rolls, bundle 103, nos. 1417, 1419.

<sup>11</sup> Public Record Office, Ancient Indictments, files 8, 306.

<sup>12</sup> *Ibid.*, file 311.

layman, by name Thomas Smoulding. The said Thomas petitioned the chancellor for a writ of *corpus cum causa* directed to the bailiffs of Norwich, who had kept him in ward on divers feigned actions of trespass taken against him before the sheriffs by two men and a woman of that city. A writ of *supersedeas* against these three had already been obtained and delivered to the mayor, but they had made up their minds not to submit, and by mediation of divers friends of theirs the matter was kept hanging undetermined till the time for the return of the attachment had expired, and when the day was past the three 'bade your suppliant go do his worst, and made him a mok and a jape'. He obtained another writ of attachment, but they advanced new pleas of trespass, and he was not admitted to bail, but was kept in the prison house, fettered with great fetters, and tied with a great chain to a great 'stok', how as though he had been a great errant thief or a traitor.<sup>13</sup>

The ecclesiastics who held courts were no more able than other lords to cause that justice should be done. A certain John Stokke, for example, complained to the chancellor that he had suffered unfairly in the market court of the abbot of Bury, where the bailiffs and common scribe of the court refused to deliver him a 'copy of the pleynt' brought against him by one William Fish; the said William was a 'dweller and daily resident' in the town, and had 'inordinate great favour of the officers of the court and of the residents', while John was a dweller out of the said town and out of the franchises.<sup>14</sup> Moreover, the franchises of the great ecclesiastics were in themselves often matters for dispute, as in the case of the long struggle between the abbot of Spalding and the *feodour* of the duchy of Lancaster concerning the right to hold leets, courts baron, market courts, and fair courts; in this case the ecclesiastic was able, after 'often and long communication', to make good his claim.<sup>15</sup> In spite, however, of the disputes which were all too likely to follow, Edward IV made grants of fairs to several important ecclesiastics, with the right to hold a court of pie-powder, as for example in 1474 when the bishop of Lincoln was allowed to have two annual fairs of eight days each in Louth.<sup>16</sup> Again, soon after his accession the king had confirmed to the abbot and convent of Peterborough their rights in several hundreds, granting to them all deodands, wreck of the sea, treasure trove, fines, forfeitures, amercements, and other liberties which they had received from his predecessors.<sup>17</sup>

<sup>13</sup> Public Record Office, Early Chancery Proceedings, bundle 64, no. 202.

<sup>14</sup> *Ibid.*, bundle 41, no. 164.

<sup>15</sup> Duchy of Lancaster, Entry Book of Decrees and Orders, i. 28-31, 66 b.

<sup>16</sup> *Calendar of Patent Rolls*, 14 Edw. IV, pt. 2, m. 11.

<sup>17</sup> *Ibid.*, 2 Edw. IV, pt. 1, m. 10.

On one occasion at least the holding of a leet in a manor belonging to this convent was a matter of dispute, for the prior with the cellarer and other monks had made a grant of its stewardship to a certain John Pinchbek, while the abbot had appointed some one else. John held the leet in defiance of the abbot's command, being supported by Richard, a relative of his, and two hundred other armed persons who came in riotous wise.<sup>18</sup>

From the midst of this clamour concerning rights invaded and justice denied rose the voice of the church, as of old demanding immunity from lay jurisdiction for certain persons, places, and matters. It will be well briefly to review the claims with regard to privileged persons as they were officially expressed by convocation, pope, or king, and then to consider the evidence as to their meaning in actual practice.

The last convocation of Henry VI's reign had drawn up certain articles which expressed dissatisfaction with the existing state of affairs. It complained that sheriffs, with their under-sheriffs and other *ministri* unjustly indicted curates and priests, and prayed that the sentence of excommunication which such misdoers thereby incurred should not be merely an empty threat.<sup>19</sup> At the beginning of the next reign the necessities of Edward IV gave the bishops their opportunity, and the whole question of benefit of clergy for those in holy orders was dealt with at length in a royal charter granted soon after his accession.<sup>20</sup> The following are the most important clauses :

1. No secular justice 'inquirat seu inquiri faciat de excessibus, felonis, raptibus mulierum, proditionibus aliisve quibuscunque transgressionibus' committed by any clerk in holy orders or by 'religious persons'.

2. If any jury or inquest indicted a clerk in holy orders before a secular justice, the latter was immediately to send to the bishop a copy of the indictment 'absque arrestatione, seu captione, incarcerationive clerici'. The ordinary in such cases was to hear and finally to decide the cause.

3. Indictment of a clerk in holy orders might be made before the ordinary in the first instance, and he was to conclude the matter without any interruption by the king.

4. No prohibition from the chancery or any royal court should interfere with the ecclesiastical censures pronounced by an ordinary on a secular justice or servant who had disregarded clerical immunities.

<sup>18</sup> Early Chancery Proceedings, bundle 28, no. 449.

<sup>19</sup> Bouchier's Register (at Lambeth), f. 14; cf. Ely Diocesan MSS., Formulary Book, f. 6 d, where the form for citation of those who had brought clerks before the secular courts is given.

<sup>20</sup> Wilkins, *Concilia*, iii. 583 ff. The charter was confirmed by Richard III: *ibid.*, iii. 616.

5. Any man who had been arrested or imprisoned and who said he was a clerk, or who was demanded by the ordinary, was to be delivered to the ecclesiastical court before 'causae cognitionem' and examination concerning his clergy. The question of clergy, if doubtful, was to be decided in the ecclesiastical court in presence of a secular judge, and the prisoner was to be sent back to the temporal court if it were found that he belonged to its jurisdiction.

To induce a newly-crowned king to grant a charter was one thing; to obtain the carrying out of its provisions was another. Only a year after the concessions had been made, the lower house of convocation found it necessary to petition that certain clerks should be set at liberty in accordance with the king's charter,<sup>21</sup> and in 1471 another request shows that some at any rate of the privileges granted had remained a dead letter: the clergy asked that priests and curates indicted before secular justices should have remedy 'per celsitudinem regiam', and that no priest thus indicted should be arrested or imprisoned, but the indictment should be immediately sent to the ordinary. To this clause is appended a significant note: 'Ad istam petitionem dominus rex nondum consentit.'<sup>22</sup> Again, in 1480 convocation complained of disregard of clerical immunities, and requested that if any ecclesiastic had been indicted before secular justices and by them imprisoned, he should be delivered to the ordinary without delay.<sup>23</sup> Meanwhile the exasperated bishops had turned to Rome; but Sixtus IV was concerned at the moment with matters more pressing than the domestic difficulties of the English church, and his bull of 1476 gives a curious sense of papal preoccupation and remoteness. Having heard the prayer of the primate, the pope excommunicates all who indict before secular justices or who imprison and in any way injure not only priests, religious and secular, but 'aliquem quemcunque in quibuscunque gradibus, ordinibus, vel dignitatibus constitutis'.<sup>24</sup> Archbishop Bouchier may have tried to gain papal support for the antiquated claim that clerks should be exempt from indictment in secular courts, but it is doubtful whether any Englishman could have seriously hoped that all the privileges demanded in 1462 might be enjoyed by those who held 'any orders whatsoever'. Most of the clauses in the royal charter had expressly referred to clerks in holy orders, thus implicitly excluding those in orders below the subdiaconate,<sup>25</sup> the exorcists, lectors, and *ostiarrii*,<sup>26</sup> who are grouped together in ordination lists under the heading *tonsurati*.<sup>27</sup>

<sup>21</sup> Wilkins, iii. 585.

<sup>22</sup> *Ibid.*, p. 609.

<sup>23</sup> *Ibid.*, p. 613.

<sup>24</sup> *Ibid.*, pp. 609, 610.

<sup>25</sup> *Third Report of Deputy Keeper of the Records*, app. ii, p. 220. Cf. Stat. 23 Hen. VIII, c. i.

<sup>26</sup> The term *janitor* is also used; British Museum Add. MS. 12195, f. 74.

<sup>27</sup> e. g. in the Registers of Archbishop Bouchier and of the bishops of Lincoln.

The position of clerks in holy orders is, theoretically, so far clear. The church demanded that they should not be obliged to appear at all in the secular courts on account of any petty treason or felony. One exception there was, that of the clerk who married twice or who married a widow, and who thereby technically committed bigamy and forfeited his privileges; <sup>28</sup> as celibacy does not seem to have been enforced below the subdiaconate, <sup>29</sup> this exception would affect the subdeacons who could otherwise claim full exemption. In cases of high treason, benefit of clergy was not allowed, as had been recognized in a statute of 1351/2 and again in 4 Henry IV; <sup>30</sup> but in the time of Edward IV, at any rate, the state was probably unwilling to run the risk of alienating the church by inflicting the extreme penalty. John Morton, who was attainted for high treason in the first year of the reign, lived to become a bishop, and finally primate of all England. <sup>31</sup> His escape may well have been due to motives of general policy rather than to respect for his orders, but a case in 17 Edward IV suggests that a clerk would if possible be spared. A certain Thomas Blake, clerk, was with several confederates found guilty of high treason. Sentence was passed that the prisoners should be hanged, drawn, and quartered, but Blake, at the request of the bishop of Norwich, was pardoned by the king. <sup>32</sup> In this matter, as constantly in the fifteenth century, it is impossible from the mere knowledge of contemporary theory to infer the conditions of actual practice.

In any attempt to gain a clear idea of the practical meaning of benefit of clergy, three questions present themselves for answer: Who could claim benefit? How and where was the claim made? What happened to the clerk after he had been handed over to the ordinary?

In connexion with the first of these questions a difficulty immediately arises concerning the difference of position between men in holy and in minor orders. The distinction is apparently recognized in the charter of 1462, but in practice it seems to have been little regarded. In the Register of Chedworth, bishop of Lincoln, there is a list of eleven clerks who were delivered from the bishop's prison in 1467, <sup>33</sup> and in the cases of four of these there is no mention of any proceedings beyond indictment before a secular justice, but as the list is merely said to be a memorandum of the names of the prisoners with the causes

<sup>28</sup> Stat. 18 Edw. III, 6, c. 2. Cf. *Mirror of Justices* (Selden Society), pp. 92, 93.

<sup>29</sup> *Deputy Keeper's Third Report*, app. ii, pp. 219, 220. Cf. Makower, *Constitutional History of the Church of England*, pp. 212 ff.

<sup>30</sup> Stat. 25 Edw. III, 6, c. 4; 4 Hen. IV, c. 3.

<sup>31</sup> *Dictionary of National Biography*, xxxix. 151 ff.

<sup>32</sup> *Deputy Keeper's Third Report*, app. ii, pp. 213, 214.

<sup>33</sup> Lincoln Episcopal Registers, Reg. Chedworth, ff. 79 d—80 d.

of indictment, it does not seem possible to infer that the men had been handed over to the bishop without further proceedings, in accordance with the recent concessions. No allusion to the distinction has been found in the Early Chancery Proceedings or in the Ancient Indictments, nor is there anything to suggest it in a fifteenth-century formulary book now in the Diocesan Registry at Ely.<sup>34</sup> If this supposition be correct, the courts would obviously be slow to admit the validity of the concessions granted in 1462; to recognize such privileges in the case of men in holy orders would be bad enough—it would be impossible if every acolyte, reader, or door-keeper was able to claim them too.

Doubtless it was to the interest of the ordinary man that the boundary line between those in higher and those in minor orders should be indeterminate. The less clear the distinction between the two, the more likely it was that those in minor orders would enjoy wide privileges; further, the less clearness of definition generally, the more hope that laymen might share in the privileges of the *tonsurati*. It was indeed because the great mass of clerks was, as it were, definitely bounded neither at the top nor at the bottom that the abuses of benefit of clergy could become so widespread. Henry VII tried to draw dividing lines when he insisted that every person 'not being within orders' who had been once admitted to benefit of clergy should be branded<sup>35</sup> in order that he might never claim it again, while the clerk 'within orders', in the unhappy event of his needing protection a second time, should be obliged to produce documentary evidence from his bishop.<sup>36</sup> Henry VIII went further, refusing benefit of clergy to all, except those in holy orders, who committed murder and certain other offences; and, in the second of two acts which dealt with the matter, he definitely stated that holy orders included 'the orders of subdeacon or above'.<sup>37</sup> When a dividing line was thus clearly drawn, the old abuses were doomed.

But in the reign of Edward IV these abuses thrived and multiplied. In theory, indeed, a bishop might refuse to receive a clerk, but in so doing he ran the risk of incurring a fine if the secular court had decided that the claim held good,<sup>38</sup> or if he gave a reason which was not one commonly allowed by law or custom, such as, for example, that the clerk lacked the tonsure

<sup>34</sup> The formulary book was originally compiled for use in the diocese of Lincoln.

<sup>35</sup> The law was enforced at Colchester in 1651, when a burglar, having read *ut clericus*, was branded before being delivered to the ordinary: Harrod, *Report on Records of Colchester*, p. 18.

<sup>36</sup> Stat. 4 Hen. VII, c. 13. For other acts limiting benefit of clergy in the time of Henry VII, see Stat. 7 Hen. VII, c. 1, and 12 Hen. VII, c. 7.

<sup>37</sup> Stat. 4 Hen. VIII, c. 2, and 23 Hen. VIII, c. 1.

<sup>38</sup> Fitzherbert, *Les Reports des Cases en Ley en temps du Roy Edward IV* (1680), 7 Edw. IV, p. 21.

or *ornamentum clericale*.<sup>39</sup> In practice the test of ability to read was commonly decisive. The Episcopal Registers, the Ancient Indictments, the Year Books as quoted by Fitzherbert, all show that in the later fifteenth century, as in the time of the author of the *Philobiblon*, it was books which could 'run to meet the prodigal son and snatch the fugitive slave from the gates of death'.<sup>40</sup> The secular court claimed the right to pronounce upon the quality of the reading, and was able to make good its claim, as appears in the case of a man who, when the book was handed to him, could only 'read one word in one place and another in another, and could not read three words together'. The bishop's officer, who had brought the volume, was satisfied, but the judge warned him that the bishop might be heavily fined, besides being unable to save the accused, if the court should determine that the prisoner had failed to read *ut clericus*.<sup>41</sup> It is stated by H. C. Lea that 'aliens were provided with books in their own tongues out of which to prove their clergy, and blind men escaped the halter by being able to speak Latin "congruously"'.<sup>42</sup> No illustration of the former practice has been found for the reign of Edward IV, but there seems to be an allusion to the latter in a case, quoted in the ninth year of the reign, of a man whom the ordinary examined outside the court, speaking to him, it appears from a precedent cited as appropriate, in French or Latin; the man, however, was afterwards brought in to read before the justices and was found to be able only 'to spell and put together', whereupon they decided to deliver him to the bishop as a clerk who should not be allowed to make his purgation.<sup>43</sup>

Whether in most cases the 'first tonsure' had actually been taken by those who were for all practical purposes lettered laymen, cannot yet be determined. A *clericus convictus*, who was also known as a mariner or yeoman,<sup>44</sup> a husbandman or scrivener,<sup>45</sup> may possibly have been admitted in his youth to one or more of the minor orders, either as a convenient precaution, or with some idea of proceeding to higher orders in the future. But in the popular mind it was clearly the ability to read, not the fact of holding orders, which was the important point. The preamble to Henry VII's statute, passed only six years after the death of Edward IV, states that

divers persons lettered hath been the more bold to commit murder, rape, robbery, theft, and all other mischievous deeds because they have

<sup>39</sup> *Ibid.*, 9 Edw. IV, p. 28.

<sup>40</sup> *Philobiblon*, iv. § 54, p. 28 (p. 174 in the translation by E. C. Thomas, 1888).

<sup>41</sup> Fitzherbert, 9 Edw. IV, p. 28. <sup>42</sup> *Studies in Church History*, p. 188.

<sup>43</sup> Fitzherbert, 9 Edw. IV, p. 28. <sup>44</sup> Ancient Indictments, files 338, 110, 295.

<sup>45</sup> Lincoln Episcopal Registers, Reg. Chedworth, ff. 79 d, 80 d.

been as continually admitted to the benefice of clergy as oft as they did offend in any of the premises.<sup>46</sup>

Similarly the observant Italian who wrote the *Relation* says that in England the priests 'have usurped a privilege that no thief nor murderer who can read should perish by the hands of justice'.<sup>47</sup> Evidence in the same direction is given by a passage in the fifteenth-century play of *Mankind*. The allusion would doubtless not be lost upon the audience, when Newgyse, who has himself only escaped death by hanging because the rope broke, says of a companion, 'Myscheff ys a convicte, for he coude hys neke-verse'.<sup>48</sup>

But while it thus appears that with reference to the men who could claim benefit of clergy no ground held by the church had been evacuated, a consideration of the time and manner of making the claim will show that the state had in practice advanced. In the reign of Edward III the granting of clergy seems, it is said, 'to depend almost wholly on the ordinary demanding the felon as a clerk',<sup>49</sup> but in spite of the theoretical power acknowledged in the last clause of Edward IV's charter, in practice the bishop no longer, as a rule, took the initiative; the common practice, as is clear from the Ancient Indictments and the Episcopal Registers,<sup>50</sup> was for the clerk to claim privilege himself, the official of the ordinary then appearing to demand and receive him. Moreover, while in theory a question of doubtful clergy was to be settled in the ecclesiastical court in presence of a secular judge, in practice, as has been shown, the test applied was that of ability to read, and the secular court decided on the validity of the claim. The Year Books as quoted by Fitzherbert show that the relations between the ordinary and the court were often far from friendly: the secular justices looked upon the bishop as the servant of the court whose business it was to carry out their decisions, the bishops struggled to maintain a greater degree of independence.<sup>51</sup> In 21 Edward IV, indeed, an instance occurs of a refusal by the ordinary to receive a man,<sup>52</sup> but unfortunately we know neither the method by which he carried on his 'great deliberation', nor the grounds on which the decision was made. At any rate it is clear that the actions of the ordinaries were constantly subject to a watchful and jealous secular eye.

<sup>46</sup> Stat., 4 Hen. VII, c. 3.

<sup>47</sup> *Relation of England* (Camden Society), p. 35.

<sup>48</sup> *Macro Plays* (Early English Text Society), p. 23.

<sup>49</sup> Reeves, *History of English Law*, iii. 40.

<sup>50</sup> e.g. Ancient Indictments, files 110, 317; Reg. Chedworth, ff. 77 d, 89 d

<sup>51</sup> Fitzherbert, 9 Edw. IV, p. 28.

<sup>52</sup> *Ibid.*, 21 Edw. IV, p. 21.

The most important advance made by the state seems to have been with regard to the time at which benefit of clergy could be claimed. There is no doubt that in the reign of Edward IV the claim was commonly made not only after indictment before secular justices but after conviction by a jury. A statement to this effect is made in the Italian *Relation* already quoted,<sup>53</sup> but evidence more conclusive than the impressions of a stranger is found in the Ancient Indictments and the Episcopal Registers. As an illustration a case which contains full details may be quoted.

On the Monday after St. Andrew's Day, 15 Edward IV, William, earl of Arundel, with other justices held the sessions of the peace at Winchester. The jury presented William Wodeward, 'nuper de Abbes Rodyngi' in Essex, yeoman, and said that on October 10, 'vi et armis videlicet baculis et cultellis', they had attacked Thomas Martyn, chaplain, at Botley in Hampshire, and had taken forty shillings from his purse, while on September 15 they had made assault on William Balon at Popham and stolen fourteen shillings. The prisoners, in the custody of the sheriff, were led to the bar. Having been recommitted to the sheriff, they were asked what they had to say, and each declared himself not guilty, and put himself on his country. A jury was empanelled by the sheriff, and the following Saturday was appointed for hearing the case. On that day the jury declared the prisoners guilty, and certified that they had no lands, tenements, goods, or chattels; 'super quo predictus Wilhelmus Wodeward dicit quod ipse clericus est et petit beneficium clericale in hac parte allocari'. Then came Sir Edward Hanyngton, deputy of the bishop of Winchester, ordinary of the place, bringing with him letters patent from the bishop, which he showed in the court. A book was handed to Wodeward, who read as a clerk, and the deputy asked that he should be delivered to the ordinary. He was therefore handed over as *clericus convictus*, while his fellow culprit was hanged.<sup>54</sup> The only point in this and similar cases which does not seem clear is the position in the proceedings of the inquisition *de gestu et fama*, of which the record appears on several of the Ancient Indictment files; possibly it was a preliminary inquiry held before the accused was presented to the justices; in any case it probably affected laymen and clergy alike. No mention has been found of any special 'inquest of office' such as is said to have been often held in the reign of Edward II after a clerk had claimed privilege, but before he was delivered to the ordinary.<sup>55</sup> Probably this had been considered necessary in cases where the claim had been made and allowed immediately after

<sup>53</sup> *Relation of England*, pp. 35, 36.

<sup>54</sup> Ancient Indictments, file 110.

<sup>55</sup> *Year Books* (Selden Society), v. lxxiii ff.

indictment,<sup>56</sup> but when the clerk stood his trial in the secular court, the need for it had ceased. In the fifteenth century the term *clericus convictus* was clearly one of common usage,<sup>57</sup> and the wording of the form of commission for demanding and receiving clerks which occurs, with slight differences, in the London Diocesan Registers,<sup>58</sup> the Ancient Indictments,<sup>59</sup> and the Formulary Book now at Ely, bears out the incontestable evidence of actual cases that clerks were not only indicted but tried before secular justices. Well were it for Archbishop Thomas if no clamour from the courts of earth disturbed his peace.

The fate of a clerk after he had been delivered to the ordinary varied according to the gravity of his offence. In the fourteenth century efforts had been made by the secular authorities to ensure that the guilty should not escape punishment. An act of 25 Edward III states that the king has granted clerical privileges, and that in return the archbishop had promised to make an ordinance whereby offenders delivered by the secular justices to the ordinaries should be safely kept and duly punished, so that no clerk should take courage to offend for default of correction.<sup>60</sup> Letters of Islip, dated 1351/2, fulfilled the promise. Lay judges, he said, have complained that clerks are too well treated in the bishops' prisons, and that, so far from dreading their punishment, they looked forward 'ad solatium et refocillantiam suorum corporum delicatam'. He has thought the matter over, and has decided to ordain as follows: the bishops are strictly to keep notorious offenders, who are not to be allowed to purge themselves, and are not to return to their evil lives; on Wednesday, Friday, and Saturday they are to be fed 'pane doloris et aqua angustiae semel in die', on other weekdays they are to have bread and weak ale, but on Sunday, 'propter honorem ipsius diei et excellentiam', they may have bread, ale, and vegetables, whether given by their friends or received in alms or in any other way. Clerks who are not notorious offenders are to be admitted to purgation, but not before inquiry has been made concerning their reputation in the place where the crime was committed.<sup>61</sup> The act of 4 Henry IV, by which the liberties of the church were confirmed, referred to this letter of the archbishop, and directed that a provincial constitution should be made to the same effect.<sup>62</sup>

It was part of the business of the official who demanded the person of a convicted clerk to see that he was kept safely in the

<sup>56</sup> Hobart, *Reports*, p. 288; Reeves, *op. cit.*, iii. 41; Makower, *op. cit.*, p. 405.

<sup>57</sup> London Diocesan Registry; Reg. Kemp, f. 222 d.

<sup>58</sup> e. g. *Paston Letters*, ii. 124.

<sup>59</sup> Ancient Indictments, file 110.

<sup>60</sup> Stat. 25 Edw. III, 6, c. 4.

<sup>61</sup> Wilkins, *op. cit.*, iii. 13, 14.

<sup>62</sup> Stat. 4 Hen. IV, c. 3.

bishop's prison until the ecclesiastical authorities decided what should be done with him.<sup>63</sup> Sooner or later a commission was commonly issued to an incumbent or to an archdeacon's official<sup>64</sup> commanding that in the church or churches in his charge a proclamation should be made. It was to be announced that all who had anything to say against the offender should appear in the church before the bishop or his deputies on a certain day. If no objections were then made, a representative of the ordinary was to receive the clerk's purgation.<sup>65</sup> The number of compurgators seems to have varied. A vicar might be required to find twelve parishioners of good fame and repute who would take an oath in the presence of the clergy and people; the number, perhaps, would be easily made up, for during his imprisonment 'infants remained without baptism and other parishioners without confession and the ministration of the Body of Christ'.<sup>66</sup> Again, a clerk who had given his consent, aid, and favour in a case of murder, might have to produce six compurgators, three of whom were priests.<sup>67</sup> The time which elapsed between the imprisonment of a convicted clerk and his opportunity for making his purgation must often have dragged heavily. A certain John Beaumont, gentleman, was indicted for stealing a horse at Michaelmas, 4 Edward IV, and may well have considered himself lucky to have been released on the last day of the following December,<sup>68</sup> for one Richard Crosse, who had illegally taken away oxen in the first year of the reign, was not admitted to his purgation until 1465.<sup>69</sup> A memorandum in Bishop Chedworth's Register states that on 31 August 1467 a commission was issued to the vicar of Banbury concerning the delivery of certain clerks, seven of whom had been indicted in the following years respectively: 31 Henry VI, 33 Henry VI, 37 Henry VI, 38 Henry VI, 1 Edward IV, 2 Edward IV, and 5 Edward IV.<sup>70</sup>

A *clericus convictus*, therefore, did not escape all penalty, but his fate was much less severe than that of the clerk delivered *absque purgatione*, who was condemned to perpetual imprisonment and who forfeited not only his chattels but his land.<sup>71</sup> The expression used to describe such a prisoner seems at any rate sometimes<sup>72</sup> to have been *clericus attinctus*, Fitzherbert

<sup>63</sup> Ely MSS., Formulary Book, f. 14.

<sup>64</sup> Reg. Chedworth, ff. 79 d, 64 d.

<sup>65</sup> *Ibid.*, f. 104.

<sup>66</sup> Ely MSS., Formulary Book, f. 27. It is not certain that in this case the offender was a *clericus convictus*: he may have been condemned for an offence cognizable in the ecclesiastical courts.

<sup>67</sup> *Ibid.*

<sup>68</sup> Reg. Chedworth, f. 77 d.

<sup>69</sup> *Ibid.*, f. 64 d.

<sup>70</sup> Reg. Chedworth, ff. 79 d, 80 d.

<sup>71</sup> Fitzherbert, 20 Edw. IV, p. 5.

<sup>72</sup> The distinction between *clericus attinctus* and *clericus convictus* was made, according to Fitzherbert's edition of the Year Books, by Chief Justice Billing in 20 Edw. IV;

quotes from the Year Book of 9 Edward IV a case in which the secular justices were willing to deliver a clerk 'as a man attain't', but the ordinary said that he would receive him as a member of holy church and not as attain't.<sup>73</sup> In 5 Edward IV a certain Richard Johnson, shipman, 'nuper de partibus Flandrie', was delivered as *clericus attinctus* to Thomas Frampton, archdeacon and representative of George, abbot of Westminster, the ordinary, with the intention that he should be kept in prison *absque aliqua purgatione*. The rest of the story, however, shows that lifelong imprisonment was endured less often than it was imposed, for the shipman evaded the abbot's custody and wandered at large.<sup>74</sup>

An exciting escape from the same prison had been made a few years earlier. In 2 Edward IV a certain Maurice Nowerton was indicted for felony, and having been declared guilty by a jury, he pleaded his clergy, read *ut clericus*, and was handed over to the ordinary. He contrived, however, by some means to plot with two yeomen who promised to come to his rescue. These two gathered together unknown malefactors to the number of twelve persons, who, arrayed in manner of war, *vi et armis*, with swords, staves, bows, and arrows, having no reverence for the royal person then within the palace of Westminster, nor for the king's parliament in which all the lords, spiritual and temporal, within the realm of England and the commons of the realm were assembled for the business of the realm, nor for the king's courts then open, insulted the keeper of the gaol, and beat and wounded him so that he despaired of his life.

And the aforesaid Maurice by force and arms, namely with a certain great chain which he then held in his hands, then and there falsely, felonously, and of his own accord rescued himself from the custody of the said gaoler so far as he was able.

Thereupon the yeoman and other malefactors came to his help, and then and there put him 'in quendam cimbalum', and set him at large in great contempt of the king and to great terror of the king's people.<sup>75</sup> If this kind of thing happened in real life, the fortunes of Myschef, the convicted clerk in the play of *Mankind* already quoted, were hardly an exaggeration. On his return to his companions, Myschef is greeted by Now-a-days :

What, Myschef, have ye bene in presun? and yt be yowur wyll,  
Me semyth ze have scoryde a peyr of fetters.

but in various statutes (e. g. 4 Hen. IV, c. 3; 23 Hen. VIII, c. 1) the term *clerk convict* is used of a notorious thief handed over to the ordinary for perpetual imprisonment. In 12 Hen. VII, c. 7, the words *conviction* and *attainder* seem to be used as interchangeable.

<sup>73</sup> Fitzherbert, 9 Edw. IV, p. 28.

<sup>74</sup> Ancient Indictments, file 338.

<sup>75</sup> *Ibid.*, file 317.

*Myschef.* I was cheynde by the armys :—lo ! I have them here :—  
 The chenys I breet assyndyr, and kyllde the jaylor,  
 Ze, ande hys fayer wyff halsyde in a cornere :  
 A ! how swety I kyssyde the swete mowth of hers !<sup>76</sup>

It is no wonder that a bishop sometimes found it prudent to obtain a royal pardon for all evasions of his custody by felons or other prisoners.<sup>77</sup>

But, on the other hand, the action of ecclesiastical authorities sometimes put secular officials into awkward predicaments. In 4 Edward IV Robert Barton, chaplain, was indicted at the Michaelmas sessions at Worcester for stealing a silver chalice which belonged to the parishioners of a certain chapel. The justices committed him to the custody of John Shayle, the under-sheriff, in order that he should be imprisoned until inquiry was made concerning the felony, or until he could find sufficient surety for appearing at the gaol delivery when the king's justices came into the district. On the Tuesday before the day of St. Thomas the Apostle, the justices held their next sessions, and as there had been no gaol delivery since Michaelmas, they ordered that Robert Barton should appear to answer before them. The under-sheriff, however, was obliged to acknowledge that he could not produce the prisoner, explaining that on 3 November the bishop's chancellor had demanded that Barton should be given up to him, and had threatened to excommunicate the under-sheriff if he dared to disobey. On account of these threats, John Shayle had delivered the chaplain to the bishop, who still kept him at Worcester in the prison ordained for convicted clerks.<sup>78</sup> In this case the ordinary seems to have been trying to put into practice the third clause of the charter of 1462, but the long delay on the part of the secular authorities gave him his opportunity, and it is noteworthy that his own action was by no means prompt, for he waited from Michaelmas till November before effectually asserting his right to the clerk.

This case of Robert Barton illustrates the kind of offence for which clerks seem commonly to have been brought before the secular courts. Most of the felonies mentioned in Bishop Chedworth's Registers as those for which clerks had been indicted are cases of theft : William Wells, for example, a chaplain, had stolen two altar vestments, a 'portos' and a surplice from

<sup>76</sup> *Macro Plays*, pp. 23, 24.

<sup>77</sup> *Calendar of Patent Rolls*, 15 Edw. IV, part 2, m. 14. Other instances of the escape of convicted clerks from ecclesiastical prisons will be found in the *Historical MSS. Commissioners' Reports*, Report vi, app., p. 297 ; Report ix. i, app., p. 108.

<sup>78</sup> *Ancient Indictments*, file 309.

a church in Bedfordshire, while Thomas Oliver had taken two virgates of russet woollen cloth and a pair of sheets from a house in Northamptonshire, and Thomas Townley of North Mimms had stolen horses.<sup>79</sup> A case occurs in the Gaol Delivery Rolls in which a certain John Barnard and others were indicted at a gaol delivery for stealing a saddle and bridle, three rings and other goods, but when the culprits were found guilty, Barnard demanded benefit of clergy, and was handed over to the ordinary.<sup>80</sup> So often do similar indictments appear that it is not surprising to find that in the form for the letters testimonial issued to announce that a clerk had made his purgation, the typical offence chosen is that of stealing a horse, price ten shillings.<sup>81</sup> Nevertheless other misdeeds are common, and clerks are often indicted for murder, assault, affray, and various offences against women. In many of these cases no doubt the accused held only minor orders, if indeed he was *tonsuratus* at all, but in other cases it is clear from his position as rector or vicar that, unless special licence had been received, the offender was in holy orders, and thus belonged to the class for which the church in the Yorkist reigns made claims so far-reaching in theory, and in practice so ineffectual.

But if these special claims were in truth an anachronism and therefore condemned to failure, it was the success of the church with regard to clerical immunities in general that made necessary the reforms of Henry VII. In the fifteenth century the distinction between curates or chaplains on the one hand, and on the other hand the mass of the laity, seems to have been remarkably small, whether in regard to birth, education, interests, or weaknesses. But in face of obvious facts the church, strong in the implications of its sacerdotal system, maintained that the clergy were not as other men, and maintained also those practical abuses upon which Henry VII unerringly put his finger: while clerical immunities could exist unchecked, national consolidation was impossible. Whether in the chaos of the civil wars benefit of clergy added greatly to the sum total of injustice is a different question. A clerk delivered *absque purgatione* was condemned to lifelong imprisonment, and a mere *clericus convictus*, as has been shown, may well have had sufficient punishment by confinement for months or years in an episcopal prison. When at last he was allowed to make his purgation, it may be that the old-fashioned method of appealing to the testimony of neighbours did not serve the interests of justice worse than the decision of a corrupt jury. The age was an age of perjury

<sup>79</sup> Reg. Chedworth, ff. 79 d, 104 d. Cf. Ancient Indictments, file 295.

<sup>80</sup> Public Record Office, Gaol Delivery Rolls, bundle 34, no. 20.

<sup>81</sup> Ely MSS., Formulary Book, f. 43.

and love of gain, and the lament of a monk of Missenden expressed the common feeling :

So many lawers use  
The truth to refuse  
And such falsehed excuse  
Saw I never.<sup>82</sup>

Again, the penalties of the age did not err on the side of leniency : the fate which awaited the thief was hanging, and for the man who refused to submit to a jury was still reserved the horrible torture of *peine forte et dure*.<sup>83</sup> Even if a culprit were finally acquitted, he had probably had some experience of lying fettered in prison while awaiting his trial,<sup>84</sup> for difficulties were often found in the way of release on bail.<sup>85</sup> And when sentence was finally passed, the real culprit might stand beyond the reach of the law, for in the words of a fifteenth-century writer, 'commonlie the lytle thief is hanged. Bod his resettyr and mayntynnuer is savid.'<sup>86</sup>

But while it may be questioned whether during the reign of Edward IV the interests of true justice were greatly hindered by ecclesiastical privileges, there is no doubt that in its eagerness to snatch advantage out of the chaos, the church was casting its mantle over disorder. In their attitude to benefit of clergy at any rate, its official representatives, in practice if not in theory, seem to have put the upholding of their order before the welfare of the country at large. Clerical immunities in the fifteenth century give a clear example of that straining at a gnat and swallowing a camel, which has been in all ages the peculiar temptation of an official hierarchy.

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<sup>82</sup> British Museum, Sloane MS. 747, f. 89.

<sup>83</sup> Ancient Indictments, file 77.

<sup>84</sup> In a manuscript in Ipswich Town Hall, known as the Domesday Roll, occurs a list of 'irens belonging to the gawle'. They include nine blocks with chains of iron, eleven footlocks with their keys, four pairs of 'footshakels' with links, eight pairs of manacles with five bolts to them, and a great board with a long chain and five other chains belonging to it.

<sup>85</sup> Stat. 1 Ric. III, c. 3 ; Early Chancery Proceedings, *passim*.

<sup>86</sup> *Alphabetum Narratorum* (Early English Text Society), i. 73.

## *The Cabinet in the Eighteenth Century*

OF late there has been considerable study of the origin and development of the cabinet and of the relations between privy council or its committees and the council of the cabinet. Doubtless certain aspects of the subject have been enlightened, but there continue to be problems which need further criticism and attention. Among them is the thesis, for some years maintained with skill and erudition, that during the eighteenth century in England there was really a system of two cabinets, a large outer one more formal than efficient, with an inner cabinet or *conciliabulum* which possessed the real power and did the work of governing the kingdom.<sup>1</sup> In 1912 Mr. H. W. V. Temperley published an article, justly characterized as learned and interesting, in which he asserted that such a system actually existed from the time of Anne to the Fox-North ministry in 1783. The statement did not escape criticism by the late Sir William Anson, an authority most competent to judge; but Mr. Temperley afterwards reaffirmed his doctrine with greater emphasis and supported it with additional illustrative material. Sir William Anson was not disposed to accept the theory for earlier times, but he believed that such a system did develop quite distinctly about the middle of the eighteenth century.<sup>2</sup>

At the outset it is well to say that for some time students of the English executive in the seventeenth and eighteenth centuries have understood that there was a constant tendency for conciliar bodies to yield up most of their activity and greatness to a small, effective part of themselves; and that just as the privy council gave over its importance to particular committees and afterwards

<sup>1</sup> In 1913, shortly after the publication of Mr. Temperley's paper on 'Inner and Outer Cabinet and Privy Council', when alluding very briefly to what is expounded in this paper, namely, the two aspects of the cabinet, I spoke of 'inner cabinet', 'outer cabinet', and 'double cabinet system': *American Historical Review*, xix, 28, 43. But I did not realize then all that the implications of these terms might be interpreted to mean, nor did I intend more than, by the use of convenient epithets with origin avowedly of the present time, to denote the concentration of most of the power of the cabinet in the hands of some of its members. When I asserted at the end that beside the body of sixteen or more there was a smaller one of four or six or ten (p. 43), it would have been better if instead of 'beside' I had written 'within'.

<sup>2</sup> See *ante*, xxvii. 682-99; xxix. 70, 72-7, 78; xxxi. 291-6.

to the cabinet and to committees of the whole council, so the cabinet, as it grew larger, lost most of its power to a small number of its greatest members. In another place I have dwelt at length upon the manner in which a few leading ministers tended to monopolize ministerial power before the time of Anne, and constantly more and more after the coming of the Hanoverians.<sup>3</sup> While cabinet councils consisted of ten or more members, there were usually a few leaders who assembled before cabinet meetings or in such manner and place as they chose, and often in this smaller group the greater and more important part of cabinet business was really transacted. If it be clearly understood that this smaller group was not a committee or a regularly appointed part of the cabinet, and that its size and composition depended apparently altogether upon the character and desires of the important ministers for the time being, then there can be no objection if modern writers designate it as an inner cabinet. Perhaps, as time went on, after some of the members like the archbishop of Canterbury and the officers of the king's household had long seen themselves usually not invited to private meetings of ministers and had reconciled themselves to the fact that ordinarily their presence was not desired in cabinet meetings and could easily be dispensed with, and so had ceased to attend most ministerial gatherings, custom long continued may almost have made it seem that a small and fairly well defined group of ministers usually attending cabinet meetings constituted an inner cabinet, while a larger number formed an outer cabinet composed of those who made up the inner body together with the other less important members. In connexion with such a delineation the principal danger, as will be seen, is a tendency to distinguish between supposed inner and outer cabinets on the basis merely of numbers attending. If, on the other hand, it be affirmed that there was a cabinet of from ten to twenty members, and also a smaller cabinet or committee, well recognized in ministerial circles as being a definite organization, smaller and, while composed of ministers who attended larger meetings, yet distinct from them in respect of the limitation of membership to certain ministers and of the consistent absence of other ministers who attended the larger assembly, and if with respect to such ideas the one be designated an outer cabinet and the other an inner cabinet, then, in my opinion, the assumption of such a double cabinet system is founded upon ideas of rigidity, clear definition, and sharply defined practice, of which for the first half of the eighteenth century few traces can be found in contemporary usage or expression.

Sir William Anson very clearly recognized the fundamental

<sup>3</sup> *American Historical Review*, xix. 35-9.

factors involved in this question, and he stated the theory of an inner cabinet in the latter half of the eighteenth century positively and with exact definition: 'This efficient cabinet was a recognized group, the king's pleasure was taken in respect of the persons who composed it, and the results of its deliberations form the subject of memoranda communicated to the king.'<sup>4</sup> Here the important idea is not that an inner and smaller group can be described at the present time by antiquarians who study the records, but that it was a group recognized as a distinct body by those who took part in its activity. Mr. Temperley has not precisely defined the elements of the problem contained in his disquisition, and I am not sure that I understand correctly all of the implications of his writing; but with regard to the 'inner cabinet' he says: 'The men who formed this last body were the real governors of England in the first two Hanoverian reigns;' and again, 'Under Anne and the first two Georges the cabinet becomes formal and makes way for the committee or *conciliabulum*.'<sup>5</sup> Generally, therefore, I interpret his meaning to be that there existed a system composed of two bodies for the most part consistently distinct from each other and sufficiently distinct to be denoted, as he does denote them, the inner and the outer cabinets. Here my own introductory statement must express again the belief that the power of the cabinet tended to be concentrated in the hands of some of its members, at times a very small number, again a group fairly large; but that after extended study of the appropriate records I doubt whether it is advisable to say that there were two cabinets. The character of development then was not such as to permit much distinctness of outline or rigidity of form; and in the first half of the eighteenth century, at any rate, I am fairly certain that the men who were present at the meetings in question would not so much have thought of an inner and an outer cabinet, well defined and distinct from each other, as of one cabinet in which some few of the members attended most regularly, acted for the most part without assistance of the rest, and did the important work.

The title of Mr. Temperley's paper is 'Inner and Outer Cabinet and Privy Council, 1679-1783'. He says: 'It is our contention that from Anne onwards the outer cabinet was an intermediary body between the large formal privy council and the small, effective secret and central committee.' He asserts that this committee, which he calls also the *conciliabulum*, enabled the inner ring of ministers to exercise a general control of all policy. It is hard to discover this controlling body, but he cited as instances a defence committee in the time of Anne, the body which discussed peace negotiations from 1709 to 1713, a meeting

<sup>4</sup> *Ante*, xxix. 70.

<sup>5</sup> *Ante*, xxvii. 683, 684.

of 'the Lords of the Committee' in 1716, an episode in 1737 related by Lord Hervey, lists of attendance at a large number of ministerial meetings, and an assembly of six recounted in the Newcastle papers for 1755, and he gave what is apparently the first instance known to him of the term *conciliabulum* in 1757. In the supplementary statement is added an example from the journals of Sir John Norris, who records for 1739 a 'private meeting'; and again, the 'Secret Council' of 1702-3 recorded in the Finch-Hatton papers is used particularly to substantiate the author's theory for the period of Anne. In a final summary Mr. Temperley declares that from 1700 to 1760 the executive organs of government were the outer cabinet, the committee of council, and the efficient or inner cabinet. As he merely alludes to the committee of council, I shall confine my observations to the outer and the inner cabinets. The first of these, he says, was always important until 1740; but the really significant group was the small body of ministers, the inner cabinet, which eventually monopolized power at the expense of the outer. Such a body existed in 1702-3; it may have continued until 1739-40; but undoubtedly from that time until 1783 it had continuous existence. He believes that his conclusions are substantially those expressed by Sir William Anson and by myself, except that we consider the efficient body to have developed only about the middle of the eighteenth century, while he is confident that the inner cabinet dates from the time of Anne.<sup>6</sup>

As to the five meetings of the 'Secret Council' recorded by Nottingham, one does not know positively whether they were meetings of the cabinet, though probably they were not; nor is there better reason for asserting that they represent an inner cabinet. They seem merely to afford an example, of which the manuscripts furnish others equally ill-defined, of a few ministers meeting to work in secret. Of the committee which discussed negotiations in the latter part of the reign of Anne we have not a little information, for there are numerous allusions to its activity in the correspondence of Bolingbroke and in the entry books of the secretaries of state. Probably it is mentioned more than a hundred times; but unless I am mistaken, the men like Swift, who knew its meetings, and those like Bolingbroke, who attended them, nowhere call it an inner cabinet or effective cabinet or *conciliabulum*. Usually this body was the committee of council, which I have recently described at length.<sup>7</sup> It presents some of the most difficult problems confronting the student of things relating to the cabinet, but I have given evidence to show that it was not a part or committee of the cabinet or an inner cabinet, but, at least theoretically, a committee of the

<sup>6</sup> See *ante*, xxvii. 694-6; xxxi. 292-6.

<sup>7</sup> *Ante*, xxxi. 561-72.

privy council; and there is abundant evidence to show that while it existed beside the cabinet it was practically identical with it. Mr. Temperley believes that in the discussion of peace terms the main measures were settled in the 'committee' and afterwards laid before the 'large outer cabinet';<sup>8</sup> but this latter description I have nowhere seen suggested in the documents of the time, nor do I know how it would be possible to determine whether meetings of the committee were normally smaller than those of the cabinet. There is much evidence to show that important measures were concerted by very few of the ministers meeting in such manner as they chose, but these are not the groups referred to as 'the committee', and I am not aware of any evidence to prove that contemporaries regarded these little assemblages as *conciliabula* or inner cabinets.

The instance of 'the Lords of the Committee', taken from the State Papers for 1716, is again a meeting of the committee of council. I am far from maintaining that a smaller number may not have attended this meeting than made up the cabinet held on the next day, but, if this be true, I believe it would be virtually impossible to show that it resulted from the fact that the committee was in the nature of a *conciliabulum* or inner cabinet, and so smaller than the cabinet council. Not only do contemporaries frequently allude to cabinet and committee as if they were practically the same, but one of the bewildering things encountered by the investigator is that along with minutes marked 'cabinet' and others like them marked 'committee', there are many more not designated, which may equally well be either, but which in general he cannot surely assign to one class or the other.

Mr. Temperley says that the message sent by George II to the prince of Wales in 1737 was submitted to the outer cabinet, from which, however, no real advice was taken; and this is used to support the assertion that under Walpole the difference between outer cabinet and *conciliabulum* increases. But Lord Hervey, who narrates this event, simply says that the message having been drawn up by himself and by Walpole, and seen by the queen, the king, the lord chancellor, and the duke of Newcastle, was submitted to the 'Cabinet Council'.<sup>9</sup> Hardwicke, after relating that several small meetings were held, says: 'it was agreed that a Meeting of the whole Cabinet Council should be held . . . to consider of this weighty affair.'<sup>10</sup> Sir William Anson, who was not merely an authority upon the early history of the cabinet, but possessed unrivalled information as to procedure in his own time, asserted that just such a thing might have happened in 1714, but that one should not therefore have assumed that

<sup>8</sup> *Ante*, xxvii. 695.

<sup>9</sup> *Memoirs* (Philadelphia, 1848), ii. 314-18.

<sup>10</sup> Add. MS. 35870, fo. 26.

England was governed by a secret committee within an outer cabinet.<sup>11</sup> The journals of Sir John Norris, which the author cites to reinforce his thesis, I used myself in an extended account of the private meetings of ministers in the later years of Walpole;<sup>12</sup> but Sir John, who in many instances took care specifically to designate the meetings which he attended, calls them cabinets, committees of council, private meetings, or gatherings at Sir Robert Walpole's, and never inner cabinets or committees of the cabinet.<sup>13</sup>

Mr. Temperley sees abounding evidence that the inner cabinet was gaining power at the expense of the outer in certain lists of attendance scattered through the Domestic State Papers, Various; but when I searched these manuscripts with some care I was unable to discover a recognized inner cabinet or secret committee as distinguished from a large outer cabinet. I saw what Mr. Temperley declares he found, that some of the meetings were large and some were small. From 1729 to 1741 he has noted 178 cabinet meetings; 93 of them were attended by nine ministers or more, and he is straightway convinced that they were probably of the outer cabinet; 85 were of eight ministers or less, and he thinks they were probably *conciliabula*. He cites also the earlier work of Mr. D. A. Winstanley—which I wish to join in admiring—who gives for the period 1739–58 figures for 70 cabinet meetings: at 17 there were nine ministers or more; at 36, from six to eight; at 17, five or less. Mr. Winstanley sees here the line of division between a larger and a smaller cabinet drawn rather definitely; and Mr. Temperley speaks of them respectively as 'outer cabinet meetings', 'probably meetings of *conciliabulum*', 'certainly the *conciliabulum*'.<sup>14</sup> But one may ask, how is this known so certainly, and in how many instances are the minutes endorsed with such epithets? What contemporary has said that an inner cabinet was composed of eight members or less and an outer cabinet of nine or more? Unless the lists of attendance show consistently that the membership of the supposed smaller group was distinctly limited through the fairly constant absence of others who appear in the supposed larger group, one may doubt whether a great part of the evidence offered reveals more than that some meetings were larger than others. In any case it is dangerous to make deductions merely from the attendance. In 1746 it was agreed 'That a Cabinet Council be summon'd', and one would suppose that any or all of the members might have come; yet at the meeting which followed only eight attended.<sup>15</sup> As the most

<sup>11</sup> *Ante*, xxix. 70, 71.

<sup>12</sup> *American Historical Review*, xix. 37.

<sup>13</sup> Add. MS. 28132, ff. 62, 63, 71, 75, 78, 80, 109, 111, 114, 117, 119, 120, 131, &c.

<sup>14</sup> *Ante*, xvii. 679–81; xxvii. 696.

<sup>15</sup> State Papers, Domestic, George II, lxxxv. 21, 23 July 1746.

powerful leaders were present, it might seem proper to class this among meetings which were 'probably meetings of *conciliabulum*', but the leaders intended it to be a meeting of the cabinet. Again, in 1754, when nine members met at Powis House, 'The Lords abovementioned met in obedience to His Majesty's commands, and were acquainted by the Lord Chancellor that the King had been pleased to Order such of His Servants, as are of His Cabinet-Council . . . to be summoned'.<sup>16</sup>

The same thing may be illustrated from the history of the privy council. In the period 1660-1760 the number in the council varied from more than thirty to twice as many. At various meetings almost any number can be found attending. Sometimes there were six or eight, sometimes twenty or twenty-five, and there is a record of one containing forty-eight. On the basis of these numbers it might seem possible to assume that the smaller meetings, say of ten or less, were of an inner privy council, and that those having a greater number represent the privy council or an outer council; but after going through the registers for this period, such a conclusion would appear unwise to me, and not only would there be no warrant for such nomenclature in contemporary writing, but the investigator would presently find undoubted committees of the council which were larger than some of the inner councils or committees which he had assumed. The privy councillors themselves would probably have spoken merely of meetings of the council largely or scantily attended, and most probably the cabinet councillors would have spoken in much the same terms. In both cases, as was natural, many of the meetings were attended only by the more important, the more interested, or the abler members, when important work had to be done, or even when usual business was transacted; though this condition was much more marked in the case of the cabinet. Mr. Temperley says: 'First the ministers tried to observe the king's policy through a folded telescope—the privy council. Then they pull out a section from within the privy council and name it the outer cabinet. Last, as their sight again fails, they pull out a third section, and name it the *conciliabulum*.'<sup>17</sup> I do not find 'inner cabinet' or 'outer cabinet' in any of the sources which he cites, and the first instance which Mr. Temperley gives of the term *conciliabulum* is drawn from the year 1757.

It should be said that it is easy to multiply unquestioned instances of a small number of ministers coming together in privacy to take decisive action. Shortly after 1679 Sir William Temple records how he was wont to attend meetings at which were Sunderland, Essex, Halifax, and sometimes Monmouth and

<sup>16</sup> Add. MS. 35870, fo. 245.

<sup>17</sup> *Ante*, xxvii. 694.

Shaftesbury.<sup>18</sup> These meetings were thus less inclusive even than the well-known Committee of Intelligence of that time. Some such gatherings, it would seem, were brought together at the house of the secretary of state in 1683.<sup>19</sup> For the period of his absence from England in 1694 William sanctioned meetings of the lord keeper, the lord president, the lord privy seal, and the two secretaries of state, at the office of the secretary, and it is observed in one place that 'the meeting cannot be considered as a cabinet council'.<sup>20</sup> In 1704 Ezechiel Spanheim, Prussian representative in London, giving an account of Anne and her cabinet, wrote :

Dailleurs il y a bien des affaires, et surtout celles qui peuvent regarder le dedans de la Cour, la disposition des charges, les ménagements entre les deux partis des Thorys, et des Wights, les graces et les bienfaits de la Reine, dont Elle ne se rapporte qu'à ses Ministres les plus considerés et les plus accrédités, comme sont le Grand Thresorier Mylord Godolphin, et le Duc Marlborough, lorsqu'il est en Angleterre.<sup>21</sup>

'I dined with Mr Harley and the old club, Lord Rivers, Lord-Keeper, and Mr Secretary,' says Swift in 1711.<sup>22</sup> And in another place he says :

It was Mr. Harley's custom every Saturday, that four or five of his most intimate friends, among those he had taken in, upon the great changes made at court, should dine at his house ; and after about two months acquaintance, I had the honour always to be one of the number. This company, at first, consisted only of the Lord-keeper Harcourt, the Earl Rivers, the Earl of Peterborough, Mr. Secretary St. John, and myself ; and here, after dinner, they used to discourse and settle matters of great importance.<sup>23</sup>

He adds that several other lords were by degrees admitted, and the meetings became less important. In 1713 Bolingbroke writes to Oxford :

Separate, in the name of God, the chaff from the wheat, and consider who you have left to employ ; assign them their parts ; trust them as far as it is necessary for the execution each of his part ; let the forms of business be regularly carried on in Cabinet, and the secret of it in your own closet.<sup>24</sup>

And Bolingbroke's correspondence contains many allusions to a small group arranging matters by themselves.<sup>25</sup> With regard to an affair in 1711, he says : 'I have talked fully on this subject

<sup>18</sup> See *ante*, xxx. 267.

<sup>19</sup> *American Historical Review*, xix. 35.

<sup>20</sup> Coxe, *Correspondence of Shrewsbury* (London, 1821), p. 38.

<sup>21</sup> *Ante*, ii. 767.

<sup>22</sup> *Journal to Stella*, 12 May 1711.

<sup>23</sup> *Memoirs Relating to That Change Which Happened in the Queen's Ministry in the Year 1710*, Works (ed. T. Scott), v. 384.

<sup>24</sup> *Rep. of Hist. MSS. Comm., Portland MSS.*, v. 311.

<sup>25</sup> For example, *Letters and Correspondence* (London, 1798), i. 40, 84, 94, 115, 136, 151, 157, 190, 213, 286.

with the President, the Chamberlain, and our friend Mr. Harley, from whom you know the true measure of our Court is at present to be taken.'<sup>26</sup> In 1715 Bonet, Prussian representative, relates that Marlborough, Townshend, and Bernstorff used to meet by night at Bothmer's house, and he calls them a 'quadrumvirate', until Stanhope was added as a fifth.<sup>27</sup> In 1725 Newcastle says that after receiving a very private letter, at the king's command he consulted Sir Robert Walpole, 'and we agreed to have a Meeting with My Lord Chancellor, L<sup>d</sup> Berkeley and L<sup>d</sup> Godolphin, the Duke of Devonshire is out of town, otherwise your Lordship may believe he would not have been left out of this Consultation. . . . We accordingly met yesterday at S<sup>r</sup> Robert Walpole's.'<sup>28</sup> Hervey says that 'properly speaking' the entire administration at the death of George I was composed of Sir Robert Walpole, his brother, and the secretaries of state, Townshend and Newcastle.<sup>29</sup>

In the period of Walpole and after, cabinet ministers frequently met where they chose in small meetings for preliminary arrangement of business in the so-called private meetings, which Sir John Norris recounts, and which I have described in another place.<sup>30</sup> It might be thought that these assemblies could as well be considered small meetings of the cabinet or meetings of an inner cabinet, but for a long while I do not find that this occurred to those who attended them. An account of what was done by eight ministers in 1735 is endorsed 'Minutes at S<sup>r</sup> Rob<sup>t</sup>. Walpole's at Chelsea'.<sup>31</sup> A 'private Meeting at L<sup>d</sup>. Harrington's' is recorded in 1738.<sup>32</sup> In the next year Sir John Norris attempted to bring forward certain matters 'in the priuate meteings at S<sup>r</sup> Robert Walpole'.<sup>33</sup> And scattered here and there one finds 'Memorandums for the private Meeting'.<sup>34</sup> In 1755 it was agreed that Newcastle should tell Fox that if he would support the king's measures in the house of commons, 'He should be called to the Private Meetings of the King's Servants'.<sup>35</sup> In course of time these gatherings seem to be cabinets themselves, usually small meetings; the date which I assigned to mark this approximately being 1745.<sup>36</sup> With respect to this, Mr. Temperley understands me to mean that then the inner, efficient cabinet had superseded the outer one;<sup>37</sup> but it was not my intention to go further than to assert that the more important members of the cabinet were usually present now in

<sup>26</sup> *Letters and Correspondence*, i. 141.

<sup>27</sup> W. Michael, *Englische Geschichte im achtzehnten Jahrhundert*, i. 449.

<sup>28</sup> Add. MS. 32687, fo. 155.

<sup>29</sup> *Memoirs*, i. 83.

<sup>30</sup> *American Historical Review*, xix. 35.

<sup>31</sup> State Papers, Domestic, Various, i. 25 July 1735.

<sup>32</sup> State Papers, Domestic, George II, xlv. 19 January 1737-8.

<sup>33</sup> Add. MS. 28132, fo. 106.

<sup>34</sup> For example, State Papers, Domestic, Various, iii. 9 June 1741, v. 283.

<sup>35</sup> Add. MS. 32996, fo. 227.

<sup>36</sup> *American Historical Review*, xix. 42.

<sup>37</sup> See *ante*, xxxi. 293.

small gatherings, whether private meetings of ministers, or small meetings of the cabinet, to transact the more important business of the cabinet and most of the cabinet business.

For the later period I have examined the evidence so much less completely that for some years to come I do not wish to give my final opinion as to whether there developed two cabinets, one within the other. In 1914, in a very valuable and illuminating paper, Sir William Anson stated the theory of an inner cabinet in the latter half of the eighteenth century, the beginning of this being referred to the year 1748, with respect to the mention of a gathering described by Hardwicke as 'a meeting of such of the Lords as are usually consulted on secret affairs'. After this time, Sir William says, one finds two kinds of cabinet meetings distinguishable in the Newcastle papers—one consisting of a small group of active officials, the other including also the archbishop and the household officers.<sup>38</sup> But whereas he seems to think that the archbishop and the officers of the household entered the cabinet under the Hanoverians and later were found to be superfluous, it is certain that they were present in the cabinets of William III and of Anne,<sup>39</sup> and frequently did not attend the smaller gatherings in the time of Walpole. In so far as the author's meaning is that a small group of leading ministers came to exercise great power and influence within the larger group of cabinet ministers, I agree most fully, and I have indeed already signified my adherence to the theory of a double cabinet system thus understood.<sup>40</sup> But here also I must observe that not many contemporary expressions have come to my attention which warrant a belief that the men who lived then generally recognized an inner efficient cabinet and an outer formal one, two separate bodies actually distinct; nor, in my opinion, do those who maintain this furnish very ample evidence to support their contention.

It is true that there is during this time a somewhat greater tendency towards the recognition of an inner group as a smaller body having certain and limited membership;<sup>41</sup> but it seems to be true also that the size and membership of this inner group fluctuated so much that its form and dimensions continued to be indefinite and it had little more of individuality than before. 'The *Conciliabulum* (that silly term),' says Newcastle in 1757, 'is to be, the D of Devonshire, the Duke of Bedford, L Halifax, & the two Secretaries of State.'<sup>42</sup> About the same time Henry

<sup>38</sup> See *ante*, xxix. 70-3.

<sup>39</sup> *Report of Hist. MSS. Comm., Buccleuch MSS. (Montagu House)*, ii. 1; *ante*, ii. 767; *American Historical Review*, xix. 29.

<sup>40</sup> *Ibid.*, p. 43.

<sup>41</sup> Newcastle, *A Narrative of the Changes in the Ministry, 1765-1767* (Royal Historical Society, 1898), p. 7; *ante*, xxvii. 696.

<sup>42</sup> Add. MS. 35416, fo. 181.

Fox writes that it is to consist of six members.<sup>43</sup> But how little of definiteness attaches to the idea of a small group meeting for preliminary business from which the other members of a larger formal cabinet are excluded may be seen from a manuscript ascribed to this very year, which gives a list of ten as a 'Committee of the Cabinet Council, to meet upon Business';<sup>44</sup> while another of the same time on 'Considerations for the Meeting on Tuesday' has as the first consideration, 'Who should be there'.<sup>45</sup> And already by 1761 Hardwicke relates that he said with a view to meetings of ministers concerning the negotiations with Spain, 'That those Meetings, understood to be of Persons entrusted by the King in his most secret Affairs, were now made up of as many Persons, as a whole Cabinet-Council ought to consist of, & perhaps more'.<sup>46</sup> In 1775 Lord Mansfield said 'that there was a nominal and an efficient cabinet';<sup>47</sup> and it may be that this distinction was made frequently; but if this be true, I understand little more than that certain members of the cabinet had monopolized the power and importance of the whole, and I continue to feel some doubt about there being even at this time, strictly speaking, a system of two cabinets, distinct from each other with anything like the distinctness and rigidity which have been described, and I shall continue to reserve my acceptance of this proposition until I see evidence more directly corroborative than any that has yet been adduced.

It may appear that we are all of us in substantial agreement, for I have throughout been explicit in stating that during the eighteenth century, in cabinets which numbered from ten to twenty, there was usually a group of three or four or six or more leading members who tended to absorb the activity and the greatness of the body. Perhaps it may seem that for some of the members of the cabinet to take over most of its activity and power, relegating the other members to non-attendance, inactivity, and unimportance, until the larger number assemble only occasionally or for the sake of formal sanction and solemn routine, amounts to the development of a small efficient cabinet within a larger unimportant one, and to a great extent this is true. But I incline to believe that this latter theory tends to give a sharpness of outline and a precision at first little known to contemporaries, and, certainly with respect to the first half of the eighteenth century, that it is not only based upon varied occurrences reduced to a fictitious uniformity, but that it results from a mental attitude which has long been an impediment to

<sup>43</sup> *Rep. of Hist. MSS. Comm., MSS. in Various Collections*, vi. 37.

<sup>44</sup> Add. MS. 32997, fo. 207.

<sup>45</sup> *Ibid.*, fo. 233.

<sup>46</sup> Add. MS. 32929, fo. 144.

<sup>47</sup> *Parliamentary History*, xviii. 274; see *ante*, xxix. 75.

the correct understanding of institutional development. 'In the minds of the men of a former generation,' says Professor J. F. Baldwin, 'there was a prevailing rigidity of thought which failed to comprehend the extreme flexibility of institutions in a formative stage.'<sup>48</sup> And for the earlier part of the period under review I believe that definite delineation of an inner and an outer cabinet would arise from something of this same mode of thought.

In conclusion and in summary, the English cabinet, which emerged in the seventeenth century from the twofold source of gatherings of the king's confidential advisers and the committee system of the privy council, was made larger and larger in course of time, so that the power of the whole came to be much monopolized by a few of the leading members. That such a small group became constantly more active and important there can be no doubt: I had previously given examples of this, I have in this article given more, and without difficulty many others could be furnished. But the question which I have attempted here to bring to issue is not whether a few members acted in this manner, but whether there developed within the cabinet a smaller group composing an inner cabinet which was an organization really distinct from the cabinet council. For this the test is not whether the sources reveal large meetings and small meetings, but, as I understand Sir William Anson to have explained clearly, whether indeed there developed within the cabinet council a smaller cabinet constituting a recognized group, distinguishable from the larger group in respect of those who consistently attended the larger one and not the smaller. For the determination of this the most certain method would be statistical computation to ascertain not size alone but distinctness as regards membership respectively. This, I conjecture, has not as yet been done with sufficient care by any one. Accordingly, opinion can be only tentative. But speaking thus with regard to the existence of a double cabinet system, one might perhaps continue partly to reserve judgement about the second half of the eighteenth century; while for the earlier period I believe that the idea has little proper foundation.

EDWARD RAYMOND TURNER.

<sup>48</sup> *The King's Council in England during the Middle Ages* (Oxford, 1913), p. 1.

## Notes and Documents

### *Papal Chronology in the Eleventh Century*

THE precise dates of the pontificates of the first half of the eleventh century are extremely hard to fix. The materials are scanty and not free from textual corruption; and the fact that only one of the popes of that time—or more strictly of the popes between the death of Silvester II in 1003 and the appointment of Leo IX in 1048—occupied a commanding position has led to a neglect even of the materials that are at our disposal. It is agreed that the history is of little moment, and it has not been thought worth while to attempt to reconstruct its chronology. As Monsignor Duchesne remarks in another connexion, *il est juste de proportionner le soin que l'on consacre aux textes à l'importance de ceux-ci*.<sup>1</sup> But there are difficulties even after Leo IX, when the details of the popes' biographies acquire great historical importance; and although it may not always be possible to settle these difficulties, a step will have been gained if we can establish the principle on which the records of the times during which the popes held office were drawn up. Hitherto it has been almost universally maintained that the time recorded was that of the pontificate, that is, that it was reckoned from the date when a pope attained his full powers by ordination or consecration; in some cases enthronement is mentioned. It is, however, certain that the years of Gregory VII are computed in these records not from his consecration on 29 June 1073, but from his election on 22 April. Monsignor Duchesne is of opinion that this was the first time that this mode of calculation was adopted.<sup>2</sup> It is with great hesitation that I venture to differ from the illustrious scholar whose work on the chronology of the early popes is not the least enduring of his contributions to the establishment of a critical knowledge of the *Liber Pontificalis*. But a careful examination of the durations—I use this word to avoid prejudging what the figures mean—assigned to the seventeen popes from Silvester II to Alexander II has led me to the conclusion that in only four cases, which can be accounted for by exceptional circumstances, is the strict pontificate recorded, and that in no other case are the

<sup>1</sup> *Liber Pontificalis*, ii (1892), intr., p. lxiv a.

<sup>2</sup> *Ibid.*, p. lxxiii b.

figures given inconsistent with a computation from the day of election, while many of them conflict with a reckoning from that of ordination or consecration.

The materials on which we have to depend are a series of brief lists, giving the name of each pope, with perhaps his birth-place and parentage, followed by the years, months, and days of his 'session': *Sedit annos*, &c. The earliest of these lists for the time in which we are interested is the *Catalogus Augiensis*. This is a list which was apparently compiled under Leo IX, and was used by Herman of Reichenau, who died in 1052. The manuscript, however, in which it is preserved was not written until 1165-7, and it cannot be made use of with the same confidence as lists which were transcribed at an earlier time. Moreover, the figures it gives for the duration of each pope are often stated defectively or in general terms, so that the list is not available for our present purpose.<sup>3</sup>

The oldest list actually written in the eleventh century is perhaps the *Catalogus Farfensis* (now Cod. 2010 in the Biblioteca Casanatense). This has been carefully described by Commendatore Giorgi, who prints the text and gives reason for believing that it was written in the Sabine monastery of Farfa in 1087, with a continuation in another hand going on to the time of Paschal II.<sup>4</sup> Signor Giorgi considers it to be the archetype, directly or indirectly, of all the preserved lists written towards the end of the eleventh century or in the early years of the twelfth. In particular he regards it as the archetype from which the *Catalogus Cavensis* (Cod. Vatic. 3764) was transcribed. This latter he believes to have been written at Farfa and carried away to the monastery of La Cava during the disturbances which followed a double election to the abbacy of Farfa in the time of Calixtus II.<sup>5</sup> It was written after the death of Gregory VII in May 1085, but it diverges so markedly from the Farfensis in some important points that I cannot regard it as a copy from it.<sup>6</sup> There were many transcripts of the papal list made about the same time, and the corrections inserted in the Farfensis indicate that he or his corrector made use of more than one manuscript. Among these may be mentioned the *Catalogus Estensis* from Pomposa, which ends in 1081-2; the *Catalogus Sublacensis*, written under

<sup>3</sup> The same thing is true of the Zwettl *Historia Romanorum Pontificum*, which goes on to the time of Celestine III. It is printed by B. Pez, *Thesaurus Anecdotorum Novissimus*, i. iii. 330-95 (1721).

<sup>4</sup> *Appunti intorno ad alcuni Manoscritti del Liber Pontificalis*, in *Archivio della R. Società Romana di Storia Patria*, xx (1897), 278-312.

<sup>5</sup> p. 272. See *Il Regesto di Farfa*, ed. I. Giorgi and U. Balzani, v (1892), 319 ff.

<sup>6</sup> The list in the Cavensis beginning with Pope Lando is printed by Signor Giorgi, pp. 302-12. It must be distinguished from another list which precedes it in the manuscript and was written under Paschal II: Vignoli, who published this text in his edition of the *Liber Pontificalis* (1724), i, pref., calls it *Vaticanus I*.

Gregory VII ; <sup>7</sup> the *Codex Vaticanus* 629, written 1095–9 ; <sup>8</sup> and the *Catalogus Volturnensis*, which is of the time of Honorius II. <sup>9</sup> The list adopted by Monsignor Duchesne as the text of his edition of this part of the *Liber Pontificalis* is one written at the monastery of St. Giles in the diocese of Rheims in 1142 by Peter, surnamed William, librarian of the monastery of St. Giles on the Lower Rhone.

If one makes a table of all the sets of figures given in these various lists—I copied out ten for my own study—the first impression left is one of hopeless confusion. There are between two and five discordant figures given for every pope but one. But a closer inspection shows that the variants must be weighed, not counted. When, for instance, years only, or years and months only, are recorded, these are manifestly round numbers, which do not conflict with precise figures, with years, months, and days, given in other lists. Conversely, 2 years 9 months and 12 days in two lists are not opposed to 2 years 9 months in one or to 3 years in three ; but they are opposed to 3 years 15 days in another. Then there are certain well-known sources of scriptural error to be taken into account, in particular the confusion between *u* and *ii*, and *uiii* and *uiiii*, and even between *ui* and *uii*. In two instances at least there is clear evidence that two distinct records existed, but these instances will not suffice to group the texts into two families. We must, I think, admit a process of selection and combination, as well as of subsequent revision, with the help of more than one of the available lists. But I cannot doubt that all the lists are ultimately traceable to an official record drawn up in Rome.

I now proceed to examine the figures in detail.

The documents of Silvester II begin on 15 April 999. He died on 12 May 1003.<sup>10</sup> The lists assign him a pontificate of 4 years 1 month and 9 or 8 days. These take us back to 3 or 4 April 999, Monday or Tuesday. I infer that that was the date of his election, and that he was consecrated on the following Sunday, the 9th. Monsignor Duchesne<sup>11</sup> proposes the Sunday before ; but this gives a duration not of 8 or 9 days, but of 10 ; and *x* is not easily confounded with *viii* or *uiiii*. The two Johns, XVII and XVIII, who succeeded, are vaguely or defectively dated, and may here be left out of account.

The next pope, Sergius IV, has his record precisely stated on his epitaph, which is still extant : he sat for 2 years 9 months and

<sup>7</sup> Printed in the *Regesto Sublacense*, pp. 7–10, ed. L. Allodi and G. Levi, 1885; cf. pref., p. vii.

<sup>8</sup> *Catalogus Vaticanus III*, printed by Vignoli.

<sup>9</sup> Printed by Muratori, *Rerum Italicarum Scriptores*, i. ii. 333.

<sup>10</sup> See his epitaph in Duchesne, *Lib. Pontif.*, ii. 264 n.

<sup>11</sup> p. lxxi b.

12 days, and died on 12 May in the 10th Indiction, A. D. 1012.<sup>12</sup> He was therefore consecrated on 31 July 1009. But one list assigns him 3 years and 15 days,<sup>13</sup> which implies that his election took place on 27 April; and in the Farfensis the figures agreeing with those on the epitaph have been changed into *iii*. The interval is unusual, but the times were also unusual; there was another candidate for the papacy, and Sergius only gained the day after some fighting.

Of Benedict VIII we possess documents from 21 May 1012 to 7 March 1024. It need not be questioned that he was consecrated on 18 May.<sup>14</sup> His death is assigned in the contemporary obituary of Fulda to 7 April,<sup>15</sup> so that his pontificate lasted 11 years 10 months 20 days. The lists, however, fluctuate as to his duration, giving 11 years 1 month 21 days, 11 years 10 months 21 days, and 11 years 11 months 21 days. Plainly the years and days are accurately given, and the error is in the months. The first variant is too short,<sup>16</sup> as Benedict's documents extend beyond the period indicated; and the third is too long, because there is evidence that the years of Benedict's successor were counted from a date not later than 1 May 1024. This appears from a document at Monte Cassino, which is dated precisely in the 9th year of John XIX, in the 6th of the Emperor Conrad II, in the 15th Indiction, on 1 May, that is in 1032.<sup>17</sup> If, with Monsignor Duchesne,<sup>18</sup> we adopt the reading 11 years 10 months 21 days and reckon back from 7 April 1024, we arrive at 17 May 1012 for Benedict's election.

If, then, Tuesday, 7 April 1024, be accepted as the date of Benedict VIII's death, his brother, John XIX, could not have been consecrated before Sunday the 12th. His duration is diversely given. The Farfensis apparently at first contained the entry,

<sup>12</sup> The inscription, *Lib. Pontif.*, ii. 267 n. 4, gives the year as 1013, a mistake which may perhaps be explained if the stone was engraved a year later. There is no doubt whatever that 1012 is the true year.

<sup>13</sup> One text, that of the Vatican MS. 629, by an evident slip, gives *annos iii*.

<sup>14</sup> Dr. Hartmann, in *Mittheilungen des Instituts für Oesterreichische Geschichtsforschung*, xv (1894), 485, disregarding Sergius IV's epitaph, advocates 20 April. The evidence of the document adduced by Gregorovius, *History of the City of Rome*, iv. 14 n. (Engl. tr. 1896), to show that Benedict was already pope on 5 May is indecisive, because the Indiction is undoubtedly wrong. The date is given *anno primo mense Madio die v<sup>a</sup> Indictione i<sup>a</sup>*: *Regesto Sublacense*, no. 193, p. 231. The editors propose to emend *Indictione xi<sup>a</sup>* and date the document 1013.

<sup>15</sup> *Annales necrologici Fuldenses*, in *Monum. Germ. Hist., Script.*, xiii. 211 a. The obituary of the monastery of SS. Cyriac and Nicholas at Rome gives the day as the 9th, v. *Id. April.*: Hartmann, l. c.

<sup>16</sup> So too is the duration of 11 years and 25 days of the Augiensis.

<sup>17</sup> Gregorovius, iv. 31, n. 2. According to Dr. Hartmann, p. 483, John XIX may have succeeded any time after 25 March. There is, however, a document in the Subiaco Register, no. 177, p. 221, which places 24 May in the 13th Indiction (1030) in John's 6th year; so that on this reckoning his 1st would have begun after 24 May 1024.

<sup>18</sup> *Lib. Pontif.*, ii intr., p. lxxii a.

*Sedit annos viiii menses vi*, but these last two words have been changed into *dies viiii*. The Cavensis has 9 years 9 months. But any number beyond nine years would be impossible; *viiii* must be a slip for *viii*; and if we make this correction in the Farfa text and disregard the alteration in the manuscript, we reach a number which agrees with that of the Sublacensis,  $8\frac{1}{2}$  years. The extreme date would then be October 1032. Supposing we accept the 9 months of the Cavensis, we are taken on to January 1033, and it should be noticed that Herman of Reichenau says that John *sedit annis ferme 9* and records the ordination of Benedict IX under the year 1033.<sup>19</sup> There was evidently a lack of certain information, and the omission of the days in all but the redacted Farfa text suggests that the duration is stated roughly. I incline to think that John died between October and January, and note with interest the specific entry of his death in a Roman obituary under the date of 6 November.<sup>20</sup> John's pontificate would then have lasted nearly 8 years and 7 months, and Benedict IX might have been elected in November or December 1032. In agreement with this a Sutri document reckons December in the 8th Indiction, that is in 1039, as falling in Benedict's 8th year.<sup>21</sup>

The dating of private documents by pontifical and imperial years, in a period of such obscurity as that with which we are concerned, must be used with caution as a help to ascertaining the exact chronology. There is a charter to the monastery of Subiaco dated on 11 November in the 3rd year of Benedict IX, the 8th of the Emperor Conrad II, and the 3rd Indiction,<sup>22</sup> that is in 1034; so that it would appear that Benedict was believed to be already Pope on 11 November 1032. A Farfa document, the dates of which are suspicious, has been cited in confirmation of this:<sup>23</sup> it was granted on 15 November in the 4th year of Benedict, the 8th of Conrad, and the 4th Indiction.<sup>24</sup> The Imperial date must be disregarded; for that would give the year 1034, and as the bulls of John XIX go down to January 1032, it is plain that the 4th year of Benedict cannot begin until at least January 1035. The Indiction points to 1035; for the document was written by Anastasius, a *scriniarius* of the Roman church, and it was the practice of the Papal chancery down to the accession of Urban II to begin the Indiction in September. The editors of the Farfa Register however incline to place the charter in 1036, assuming that, in spite of the Roman usage, Anastasius dated it by the Indiction which began at Christmas. I should be indisposed to accept this conclusion were it not that the charter contains another indication of date, the bearing of which

<sup>19</sup> *Chronicon*, in *Monum. Germ. Hist., Script.*, v (1844), p. 121.

<sup>20</sup> Hartmann, p. 485.

<sup>21</sup> *Ibid.*, p. 483.

<sup>22</sup> *Regesto Sublacense*, p. 146, no. 101.

<sup>23</sup> Jaffé, *Reg. Pontif. Rom.*, 2nd ed., i (1885), 519; Duchesne, *Lib. Pontif.*, ii. intr., p. lxxii a.

<sup>24</sup> *Regesto di Farfa*, iii. 292 f., no. 587. It had been previously printed by P. Galletti, *Gabio antica* (Rome, 1757), pp. 134 ff., app. xxiii.

has escaped notice: it speaks of *Crescentio olim praefecto*. Now there exists a charter granted to the monastery of Subiaco by Crescentius as prefect on 17 June in the 5th year of Benedict, in the 4th Indiction,<sup>25</sup> that is in 1036. The Farfa document must therefore be later than this,<sup>26</sup> and it affords no support to the date before 11 November 1032 for Benedict's accession implied in the other Subiaco charter mentioned above. A Ravenna document calendared by Marco Fantuzzi<sup>27</sup> is dated on 27 January in Benedict's 5th year, in the 10th of Conrad, and in the 5th Indiction, that is 1037: these dates are consistent, and show that Benedict was believed to have been pope at least as early as 27 January 1033.<sup>28</sup>

The Farfensis gives Benedict IX a pontificate of 14 years 4 months and 20 days; the Cavensis, of 14 years and 4 months: in the Farfensis the months and days are cancelled. The Sublacensis reads 12 years 4 months and 20 days. These variants seem to indicate the adoption of two distinct durations. The scribe of the Farfensis had both before him; one indicated simply a rough date of 14 years, and the other recorded precisely 12 years 4 months and 20 days. He copied out the 14, which in his opinion was correct, but accidentally added the months and days of the shorter reckoning. Finding out his mistake, he cancelled these. If this suggestion be right, we have to inquire when the 12 years 4 months and 20 days terminated. Now it seems incredible that Benedict should be considered to have ceased to be pope when he was driven out of Rome by a riot on 7 January 1045 and an antipope set up, because on 10 March he went back and resumed his power. The terminal date must be 1 May, when he voluntarily disposed of the papacy in favour of Gregory VI. If, then, we reckon back 12 years 4 months and 20 days from 1 May 1045, we arrive at 12 December 1032 for his accession. This was a Tuesday. His consecration might take place on the following Sunday, 17 December. The alternative reckoning of 14 years, with no months or days, from this date would carry us almost exactly to the time of the synod of Sutri; 20 December 1046, or that of Rome four days later. I venture therefore to suggest that the apparent discrepancies in the lists represent two different computations: one from his election

<sup>25</sup> *Reg. Sublacense*, p. 75, no. 36.

<sup>26</sup> It may be observed that the charter in the *Regesto* stands first in a group of four documents, the other three of which undoubtedly belong to 1036.

<sup>27</sup> *Monumenti Ravennati*, ii. 369, no. 43, Venice, 1802.

<sup>28</sup> The Ravenna documents of this time seem to be dated with remarkable accuracy. Fantuzzi calendars six (including that mentioned above) between 27 February 1036 and 28 June 1042, and their dates are uniformly consistent, with the single exception that one (no. 44) begins the 11th year of Conrad II a month too early. They all agree in placing Benedict's 1st year in the 1st Indiction (from 1 September 1032). I note this because Monsignor Duchesne (p. lxxii b) speaks of the uncertainty as so great that we can hardly be sure who was pope in the spring and summer of 1032.

to his cession on 1 May 1045 ; the other running on to his deposition (according to the received account) in December 1046.

The antipope to whom I have referred, Silvester III, was set up on the third day after 7 January 1045 ; he was deposed on 10 March.<sup>29</sup> The lists reckon his pontificate from his consecration ; but there was evidently a doubt whether this took place on Sunday, 13 January, or the Sunday after. The Farfa list accepts the later date, and gives him a duration of 49 days ; the Cavensis takes the earlier, and arrives at 56 days. Both equally lead to the same terminal date, 10 March.

The existence of a double form of record, based upon a diversity of opinion as to the date when a pontificate ended, is apparent not only in the case of Benedict IX, but also in that of Gregory VI. Gregory obtained the papacy, it is known, on 1 May 1045 ; he could not be consecrated before the following Sunday, the 5th. Now the Farfensis gives him a pontificate of 1 year and 8 months, less 11 days. This takes us precisely to 20 December 1046, and is reckoned not from his consecration, but from his accession. Monsignor Duchesne has accidentally missed the word *minus*<sup>30</sup> and therefore rejects the figures given. The Cavensis extends Gregory's pontificate to 2 years and 6 months, that is to 1 November (or, if we will, 5 November) 1047. This likewise Monsignor Duchesne considers inadmissible. It can, however, be easily explained, though the explanation has not, I think, been observed. The writer of that list held Gregory to be the lawful pope down to the end of his life, and there is evidence that his death took place about the same time as that of Clement II, who died on 9 October 1047.<sup>31</sup>

<sup>29</sup> *Annales Romani*, in *Lib. Pontif.*, ii. 331. It used to be supposed that the series of events which led to the setting up of Silvester III took place in the winter not of 1044-5 but of 1043-4. This was due to a mistake in the first edition of Jaffé's *Regesta Pontificum* (1851), pp. 361 f. Jaffé read *annum i*, instead of *mensem i, et dies xxi*, in one of the papal lists, though this made havoc of the other figures which are given with precision in those lists. The fact that the *Annales Romani*, after mentioning the beginning of the disturbances at Rome, record an eclipse of the sun on 22 November, which indubitably occurred in 1044, is decisive. Jaffé's dating, however, was accepted without comment by Giesebrecht in the first edition of his *Geschichte der Deutschen Kaiserzeit*, ii (1858), 386 f. ; and it was seriously defended by Ernst Steindorff, *Jahrbücher des Deutschen Reichs unter Heinrich III.*, i (1874), 489 f. The error was pointed out by G. Grandaur in *Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde*, v (1880), 200 f. It was corrected by Giesebrecht in later editions (e. g. in the 5th, 1885, ii. 410 f., 663), and also in the second edition of Jaffé's *Regesta*.

<sup>30</sup> 'Annum i et menses viii minus dies xi.' Monsignor Duchesne, presuming the calculation to be made from Gregory's consecration on 5 May, reckons 1 year 7 months and 14 days to the synod of Sutri (p. lxxii b) ; but these figures are given in none of the lists.

<sup>31</sup> Beno, *Gesta Romanæ Ecclesie*, ii. 8, in *Lib. de Lite Imper. et Pontif.*, ii (1892), 378. In Jaffé, i. 525, it is asserted that Gregory was alive in 1048 on the authority of Anselm's *Gesta Episcoporum Leodiensium*, lxx (*Monum. Germ. Hist., Script.*, vi (1846), 228). But Anselm's statement expressly relates to a time before Christmas

Clement II was appointed on 24 December 1046 and consecrated on Christmas Day; he died, as I have said, on the 9th of the following October. These dates are abundantly attested. His duration is given as 9 months and 16 days; it was therefore reckoned from his election. In the *Farfensis*, where the months are written by a slip *viii* instead of *viii*, the days have been altered from *xvi* into *vii*; and this figure, which may be due to wrong information as to the date of the pope's death, reappears in the *Cavensis*. The *Subiaco* list has *xiii*, which is probably an instance of the common misreading of *u* as *ii*.

After a short resumption of power by Benedict IX, three popes in succession, Damasus II, Leo IX, and Victor II, were elected in Germany; so that it would not be likely, apart from other considerations, that any date but that of consecration would be recorded in the Roman lists. But it is curious that both the discrepant lengths assigned to the pontificate of Victor II, who died on 28 July<sup>32</sup> 1057, in the *Cavensis* and the *Estensis*, namely 2 years 3 months and 13 or 27 days, imply a beginning on Saturday, 1 or 15 April. Monsignor Duchesne rightly suspects the statement of Berthold<sup>33</sup> that the ordination took place on Maundy Thursday, the 13th, and thinks that this refers to his installation at the Lateran, the consecration taking place on Easter Day, the 16th.<sup>34</sup> This may be well accepted, but the lists seem to imply some formal act the day before.

The next pope, Frederick of Lorraine, Stephen IX, was abbot of Monte Cassino, and the *Annals* of that monastery give his dates precisely. He was elected on 2 August 1057 and consecrated on the following day; he died on 29 March 1058.<sup>35</sup> His pontificate therefore lasted for 7 months and 26 days. The lists, however, assign him a duration of 7 months and 29 or 28 days, either of which gives a number of days in excess of the period, whether reckoned from election or consecration: a mistake must have therefore been made in writing the figures, or else the information as to the date of the pope's death was incorrect.<sup>36</sup>

On Stephen's death Benedict X was set up and held the papacy until 24 January 1059, the date of consecration of Nicholas II, who had been elected against him. The lists assign Benedict

1047, and Dr. Tangl maintains with great force that the reference to an unnamed pope is not to Gregory VI, but to Benedict IX: *Neues Archiv*, xxxi (1906), 172 f.

<sup>32</sup> '5 Kalend. Aug.': Anonym. *Haserensis de Episcopis Eichstetensibus*, xli (*Monum. Germ. Hist., Script.*, vii (1846), 266, from a late transcript).

<sup>33</sup> 'In sequente quadragesima in coena Domini 154<sup>us</sup> papa ordinatus': *Annales*, a. 1054 (*ibid.*, v (1844), 269).

<sup>34</sup> *Lib. Pontif.*, ii. intr., p. lxxiii, n. 1.

<sup>35</sup> Leo of Ostia, *Chron. Monasterii Casinensis*, ii. 94 (*Monum. Germ. Hist., Script.*, vii. 693 f.); Bernold, *Not. Necrol.* (*ibid.*, *Necrol.*, i (1888), 659).

<sup>36</sup> Possibly the *xxviii* arose from a confusion with the number of the day of the month on which he died.

a duration of 9 months and 20 days, which take us back to 4 April 1058. He is said, however, to have been elected and consecrated on the same day, and that day would be Sunday, 5 April.<sup>37</sup> Leo of Ostia says that the tumultuous irruption which made Benedict pope took place at night,<sup>38</sup> that is on Saturday night; so that the election was very possibly on the night before the actual consecration.

The chronology of Nicholas II is complicated by the facts that two different dates, 19 and 27 July 1061, are recorded for his death, and that the lists assign three different periods for his pontificate. It is not disputed that he was elected at Siena at the end of 1058<sup>39</sup> and consecrated between 20 and 28 January, that is almost certainly on Sunday the 24th, 1059. The variations in the lists point to two distinct modes of reckoning, each of which presents a consistent calculation, but agrees with neither of the recorded dates of the pope's death. The writer of the Farfensis wrote, *Sedit annos ii, menses vi, dies*, and did not fill in the days. Evidently there was a doubt about the number. Afterwards *xxv* was inserted, and then the Cavensis gave *xxviii*. Another text allowed but one day beyond the two years and six months. This may be taken as computed from the pope's consecration, 24 January 1059, to his death (*ex hypothesi*) on 25 July 1061. The 28 days of the Cavensis take us back to 28 December 1058 for his election, which agrees closely with what we gather from the historical notices. But the Cavensis notes a *cessatio* of 2 months and 8 days between Nicholas's death and the election of Alexander II on 30 September, and this implies that Nicholas died on 22 July. The mentions of the *cessatio* are a peculiar feature of this text, and are not necessarily derived from the same source as the other reckonings. If the source be that which supplied the smaller number of 25 days inserted in the Farfensis, we have a period computed, like the other, from 28 December 1059, but ending on 22 July 1061. I am inclined to think that this is the correct statement.<sup>40</sup> The date *vi. Kal. Aug.* which is recorded for Nicholas's death in two manuscripts of the Annals of Berthold of Reichenau<sup>41</sup> might easily be miswritten for *xi. Kal. Aug.* The other date, *xiv. Kal. Aug.*, which is found

<sup>37</sup> Duchesne, *Lib. Pontif.*, ii. 334, n. 1, and intr., p. lxxii a.

<sup>38</sup> *Hist. Monast. Casim.*, ii. 99, p. 695.

<sup>39</sup> The record of an act of his as bishop of Florence and pope elect is dated in 1058 (*Neues Archiv*, iv. 402, 1879), but this may be reckoned in the Florentine style, according to which the year began on 25 March.

<sup>40</sup> After I had written this I found that the same conclusion had been arrived at by Pagi in his *Crit. ad Baronii Annales*, xvii. 182, n. 1 (ed. 1745). It is bluntly rejected in Jaffé, i. 557.

<sup>41</sup> *Monum. Germ. Hist., Script.*, v (1844), 271 n. Hence it was repeated in the Chronicle of Bernold of Constance: *ibid.*, p. 427.

in a twelfth-century obituary at Monte Cassino,<sup>42</sup> is difficult to explain.

If Nicholas II died on 22 July and there was a *cessatio* of 2 months and 8 days, we are led precisely to 30 September for the accession of Alexander II, and this date is accepted by Monsignor Duchesne as that of his installation.<sup>43</sup> There is, indeed, no positive evidence for it. We have only the statement of Peter Damiani, who did not write with a chronological purpose and whose words need not be understood as fixing a precise date :

Constat enim tres plus minus menses interim decurrisse ex quo sanctae memoriae papa Nicolaus occubuit, usque ad Kalendas Octobris cum iste successit.<sup>44</sup>

The date, 30 September, *pridie Kal. Oct.*, agrees exactly with the statement of Berthold of Reichenau that Cadalus of Parma, the antipope, was elected *vii. Kal. Nov.*, and that Alexander was elected on the 27th day before. Alexander died on 22 April 1073. The lists give him a duration of 11 years 6 months and 22 or 25 days.<sup>45</sup> The former reckoning is computed correctly from 30 September 1061; the latter may be accounted for by the common misreading of *ii* as *u*. It would be almost impossible to throw back Alexander's election three days before his consecration; and it may be taken that the two acts were performed within twenty-four hours.<sup>46</sup>

We have thus arrived at the accession of Gregory VII and the end of our inquiry. Henceforward, says Monsignor Duchesne, the rule was to reckon from the pope's election, except in the case of the troubled pontificate of Gregory's successor, Victor III, whose duration is computed from his consecration. To resume the results of the calculations which I have examined, it appears that out of seventeen popes only four can be said with confidence to have had their periods reckoned from their consecration. These were the antipope Silvester III, who was elected in a tumult, and the three successive pontiffs, Damasus II, Leo IX, and Victor II, who were chosen in Germany. Of three, John XVII, XVIII, and XIX, nothing definite can be said. Ten remain: of these the lists count the periods of five, Silvester II, Sergius IV, Benedict VIII, Gregory VI, and Clement II, from their election; and the same may be said, with greater or less probability, in regard to Benedict IX, Stephen IX, and Benedict X. In the case

<sup>42</sup> Muratori, *Script. Rerum Italicarum*, vii. 944.

<sup>43</sup> *Lib. Pontif.*, ii. intr., p. lxxiii b.

<sup>44</sup> *Disceptatio Synodalis*, in *Opera*, ed. C. Cajetanus, iii. 64 (1783), or in Migne, *Patr. Lat.*, cxlv. 79.

<sup>45</sup> The Subiaco list has *xviii* days, which cannot be correct.

<sup>46</sup> Benzo of Alba, whose statements must always be received with caution, makes the election take place on one day and the enthronement on the night following: *ad Henr. IV*, lib. vii. 2, in *Monum. Germ. Hist., Script.*, xi. 672.

of Nicholas II the earlier lists reckon from election, the later from consecration; in that of Alexander II it is likely that the two acts took place on the same day. It seems therefore that there is a considerable balance of probability in favour of the conclusion that, except in unusual circumstances, the papal chronologers were in the habit throughout the eleventh century of computing the duration of each pontiff from the day of his election. Whether the principle holds good for the earlier lists or for the integral part of the *Liber Pontificalis*, I have not examined; but *a priori* one would expect that this should be the case.

It was the custom that the election should take place at the church of St. John in the Lateran, or, if it took place elsewhere, that the pope should be at once conducted to the Lateran and be solemnly proclaimed there.<sup>47</sup> According to the account written by Cencius the Chamberlain, afterwards Pope Honorius III, in the last years of the twelfth century, the pope after his election was handed the keys of the Lateran palace and held a reception of all the officials.<sup>48</sup> Among them the notaries of the chancery occupied a conspicuous rank, and it was an appropriate occasion for making a record of the date and the pope's name. That this should be done at the Lateran is rendered the more probable by the fact that it was there that the papal archives were preserved. The ordination or consecration at St. Peter's, which commonly took place on the following Sunday, was a great ceremonial function which did not offer the same opportunity for doing a piece of formal official business.

REGINALD L. POOLE.

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### *Two Lives of St. Ethelbert, King and Martyr*

THE Life of St. Ethelbert, by Giraldus Cambrensis, is the main subject of the present article; but in trying to gain some light on its sources I have been led (as naturally happens) rather further afield than I anticipated.

The Bollandists, in their *Bibliotheca Hagiographica Latina*, s. v. Ethelbertus, enumerate the Lives of the saint as follows:

1. That by Giraldus Cambrensis.
2. That by Osbert of Clare.
3. That in Capgrave's collection.
4. An epitome thereof (which is of no importance to us).
5. That in the chronicle called John Brompton's.

<sup>47</sup> See, for instance, the Lives of Popes Conon (A. D. 686), Stephen II (A. D. 752), and Paschal II (A. D. 1099) in the *Liber Pontificalis*, i. 368, 440, ii. 296; and Mabillon's *Museum Italicum*, ii (1724), p. cxvi.

<sup>48</sup> *Ordo Romanus xii*, in Mabillon, ii. 211 f.

I will say shortly what is necessary at this stage about each (except no. 4).

1. Giraldus speaks of having written a Life of St. Ethelbert at the request of others.<sup>1</sup> The Cotton MS. Vitellius E. vii (hopelessly damaged by the fire of 1731) contained a copy of it, which Dugdale transcribed and sent to the Bollandists. They, not crediting the attribution to Giraldus Cambrensis, preferred to print the Life in 'Brompton' (no. 5), to which they added a few extracts from Giraldus, and the Miracles.

Vitellius E. vii (a made-up volume) contained :

1. Giraldus's Life of St. Ethelbert.
2. His Life of St. David.
3. A Life of St. Patrick.
4. Ailred's rule for anchoresses.
5. The order for enclosing a recluse.
6. The Ancren Riwe. I have not looked at the manuscript, which, according to Mr. G. C. Macaulay,<sup>2</sup> is in a very bad state.

I now give a complete text of Giraldus's Life from a later manuscript at Trinity College, Cambridge.

2. Osbert of Stoke by Clare, sometime prior of Westminster, wrote a Life which he dedicated to Gilbert, bishop of Hereford. Bale<sup>3</sup> gives the incipit 'Gloriosus orientalium anglorum'. Now Hardy<sup>4</sup> has an article on this Life. He states that it is or was to be found in MSS. Corpus Christi College, Cambridge, 308 and University College, Oxford, 135. The latter is now missing, so Hardy depends on the C.C.C. MS., of which the incipit ('Gloriosus ac summo regi acceptus rex Athelberhtus') does not agree with what Bale gives us. Nor (if I may anticipate) is there in the C.C.C. MS. any trace of an author's name or dedication. The attribution to Osbert rests on a note by Parker at the top of fo. 1, 'Vitam scripsit Osbertus mon. de Stoke Clare, Bale 188'. So much for the present, to intimate that there is uncertainty about Osbert's Life.

3. Capgrave's Life is accessible in Horstman's *Nova Legenda Anglie*.<sup>5</sup> Horstman says (rightly) that it is 'abridged from the *Vita* in Nero E. i, fo. 409 (fragment), and in the *Speculum historie* of Ric. Cirecestr.', ed. Mayor, Rolls series, i. 262. The incipit of Capgrave is 'Gloriosus Orientalium Anglorum rex'.

The fragment in Nero E. i begins 'Gloriosus igitur Orientalium Anglorum rex', and ends 'Quis gazis et operibus innumeris'.<sup>6</sup> In Planta's Catalogue it is attributed to Osbert. The Life in Richard of Cirencester occupies pp. 262-94 of the Rolls

<sup>1</sup> *Opp.*, i. 415, Rolls series; see also pp. 378, 421.

<sup>2</sup> *Mod. Lang. Rev.*, 1914, p. 264.

<sup>3</sup> *Scriptt.*, p. 188; *Index*, p. 315.

<sup>4</sup> *Materials*, i, part ii, p. 494.

<sup>5</sup> i. 412.

<sup>6</sup> Hardy, p. 496.

edition, and is by far the longest we have. It begins 'Gloriosus Orientalium Anglorum rex', and on p. 269 are the words 'Quis gazis et operibus innumeris'. Thus it is identical with that in Nero E. i; and it is clearly the original from which Capgrave's is abridged. But it is not complete: it ends very abruptly after the decollation of Ethelbert, whereas Capgrave tells at some length of the discovery and translation of his body.

The last remark which Richard makes about him is that his head was preserved in a costly shrine at Westminster. Richard was a monk of Westminster, and Osbert was prior. I have little doubt that it was the presence of the relic at Westminster which caused Osbert to write the Life, and Richard to insert a long Life in his book. Further, I have little doubt that the Life which Richard so inserted was that by Osbert, to which he would have had easy access. My belief is converted into practical certainty by the next piece of evidence.

Leland<sup>7</sup> gives some notes from the Lives by Giraldus and Osbert (interspersed with observations of his own). Of Osbert's Life he says it was addressed 'ad Gislebertum Hereforden. episcopum'. Most of his notes from it relate to the ancestors of Ethelbert, and *all* this matter is on pp. 263-4 of Richard of Cirencester. The last note is not to be found in Richard or in Capgrave. It is 'Godescalus miles, in cuius territorio Ethelberti martyris ecclesia fuerat antiqua fabricatione constructa'. Obviously this entry must relate to a period long after the martyrdom, and presumably belongs to the story of a miracle. Neither Richard nor Capgrave relate any miracles. But Giraldus does, and in the last of them a Godiscalus is mentioned. A glance at the text will show that a careless reader might very easily get the impression that he had a sanctuary of St. Ethelbert on his land, though that is not what the text says. The note throws a little light on the relation between Giraldus and his predecessor Osbert; it indicates that Osbert did relate some miracles. To this point we shall return.

5. The Life in 'Brompton' is wholly taken from Giraldus.

From this investigation three documents emerge: the Life by Osbert, written presumably in the first half of the twelfth century; that by Giraldus written at the very end of that century; that in the C.C.C. MS. 308.

I think I have shown reason for holding that Osbert's no longer exists in a complete form, but that it is represented by Richard of Cirencester (a full text, so far as it goes) and Capgrave. We now turn to Giraldus.

<sup>7</sup> *Itin.*, ed. 1744, viii. 55-8. See also his *Collectanea*, i. 210, where he gives notes from a Rievaulx (*Urvallensis*) chronicle, in which the Life by Giraldus was evidently to a large extent incorporated.

In the present article I give the text of Giraldus's Life from the manuscript Trin. Coll. Camb. B. 11. 16. It is of cent. xiv-xv, and contains

1. Lessons for the feasts of the Virgin.<sup>8</sup>
2. The Life here printed.
3. Lessons for the Octave of St. Thomas of Hereford.

I suppose it to come from Hereford.

At the end of his Life Giraldus makes mention of an earlier Life, prolix and in bad style, and speaks of his intention to write further upon the miracles of St. Ethelbert which had taken place nearer to his own time than those which he has now recorded. There is nothing to show that he fulfilled this promise. In the same place he says that he has written the Life at the request of his fellow canons (of Hereford); and, in the opening paragraph, makes it clear that it is intended to be read on St. Ethelbert's day.

As compared with the Brompton text, printed by the Bollandists, and the extracts from Giraldus given in their notes, the present publication contains the following portions of new matter: the prologue (i); the whole of ii except one or two lines; the end of iii from 'Ad hec eciam'; most of viii; two paragraphs of ix ('Sic itaque' and 'Sed quoniam'); portions of x; all of xiii, besides many clauses and sentences throughout.

The end of the Brompton text (sections 11-14) gives a disordered and interpolated form of ours.

§ 11 begins by citing Asser, but instead of giving the story of Edburga makes Asser the authority for the statement that Offa sent two bishops to Hereford to make inquiries. Then follows the story of the gift of Ledbury North to Hereford.

§ 12 tells of Offa's gifts, and adds the account of his journey to Rome.

§ 13 deals with Egfrid and Milefridus.

§ 14 is Brompton's own.

For the miracles I have preferred to print the text of Vitellius E. vii as given by the Bollandists, and to record the variants of the Trinity College MS. where they are of any interest. The Cotton MS. was the earlier of the two. A few words in the body of the text are also supplied from the Bollandists.

What is the earlier Life of which Giraldus speaks contemptuously? His words are: 'Vitam igitur sancti Æthelberti cum miraculis antiquis longis ante ambagibus rudique sermone congestam concanonicorum nostrorum instantia breuius ad-

<sup>8</sup> See the *Ordinale Exon.*, Henry Bradshaw Society, ed. J. N. Dalton.

modum et dilucidius explanauimus.' It was, then, prolix (which was doubtless the cause why the canons asked for another), and it had some stories of miracles. Both statements are true of Osbert's Life: neither is true of the Life in C.C.C. 308. Moreover, there is no proper name and no incident in Giraldus which does not occur in the parallel portions of Osbert. The sole addition which Giraldus makes to the history is his quotation from Asser. In short, I see no indication that Giraldus had seen any Life of St. Ethelbert except Osbert's; his work must be regarded as a mere abridgement of that, decked out with a prologue and a digression (from Asser) and a few moral reflexions. It has no independent value as a narrative.

Before we leave Giraldus I will set down a note as to the scene of the miracles. Two places in East Anglia are named. One is 'vicus . . . cui nomen Bellus Campus interpretatio dedit'. Here was a 'basilica lignea' dedicated to St. Ethelbert. This must be Belchamp-Otton in Essex, where the present church is dedicated to St. Ethelbert and All Saints. The other is 'pagus cui Straatesella vocabulum antiquitas dederat'. The Bollandists identify it with the 'Stratuswaye' to which Brithfridus translated the martyr's body; but that was in Herefordshire. Stradishall near Clare in Suffolk is the place: it appears in Domesday Book as Stratesella. Both places are in a district which must have been well known to Osbert of Clare.

My investigation of the Lives of St. Ethelbert made it necessary that I should examine that in the Corpus Christi College MS. 308: the kindness of the Master enabled me to transcribe the text, and it proved more interesting than I had hoped. The manuscript is, as my catalogue states, of the early part of century xii, in a fine clear hand, in double columns of twenty-eight lines. It is a single quire of eight leaves, bound up with other tracts.

As I have shown, there is no reason whatever to attribute it to Osbert of Clare. It is, I feel sure, the work of a Hereford man, and it is intended to be read on St. Ethelbert's day. I do not doubt, further, that it is the basis of Osbert's performance. That it is older than his work is shown at once by the proper names. I will not say that these are pure, but they are far more plausible than Osbert's. Thus Ethelbert's mother is Leoveromia or Leoverina in Osbert and Giraldus, Leofruna in C.C.C. Their king of the south is Egeon, and his daughter Seledrida or Soledria, against C.C.C.'s Eglan and Syndrytha. The one name which Osbert adds to the story is that of the counsellor Guerro, who suggests the match with Seledrida, and it does not ring very true. The place-names in C.C.C. are also of better complexion; Suttun

for Villa Australis, Luda (= Lyde), Sceldwica (= Shelwick) (both these peculiar to this legend), show an interest in, and a knowledge of, the neighbourhood of Hereford which is lacking in the other. The course of the narrative is exactly the same as in Osbert-Giraldus, but we are spared the panegyrics, the elaboration and interpretation of the vision, and the orations of the wicked queen. That it stands in the relation of an original to Osbert-Giraldus cannot, I think, be doubted by any one who reads the three documents. But if so, it acquires interest and even some little importance, as being the oldest form of the Hereford story of Ethelbert that has yet been produced.

There is one phrase in it which suggests that it may not be complete. In viii the author says that the negligence of our ancestors omitted to record the miracles of Ethelbert, as also his life and passion, 'ut prefati sumus'. But there is no previous reference to this matter. It is a topic which would naturally be dealt with in a preface or dedication, where an author often apologizes for his work, and says that it has suffered from lack of material. Quite probably, I think, the legend had such a preface, and it has disappeared.

One episode, the interesting little incident of the singing of ballads about the ancestors of Ethelbert, is omitted by Osbert-Giraldus; perhaps as tending to encourage frivolity. One incident which they give is lacking here, namely, the rude usage of Ethelbert's head, which was kicked along like a football by those who first buried his body. It may have been omitted from our copy of the text as too unpleasant, or it may be a Hereford tradition which accompanied the head of Ethelbert to Westminster, and was first recorded by Osbert. One place-name occurs in (Osbert)-Giraldus which our legend does not give, namely, *Stratus waye*, the place to which Ethelbert directed Brithfrid to carry his body and bury it in a monastery that was there. The body was in fact taken to Hereford, and it seems not unreasonable to regard *Stratus waye* as meaning the street of the Wye, and as equivalent to Hereford.

With these slight exceptions I see nothing in Osbert-Giraldus which is not present in essence in our legend: while various place-names and details of interest are to be found in it which the later writers have passed over. The style is curiously abrupt. I have wondered—and I suggest the question to others—whether the text in part represents a homily or poem in the vernacular.

I know of no manuscript of it except the Cambridge one; but there is evidence that others existed. Leland<sup>9</sup> gives some notes from it headed 'Ex libello incerti autoris de vita Ethel-

<sup>9</sup> *Collectanea*, iii (ii), 331.

berti martyris'. The context in which these notes appear does not give me any clue to the identity of the copy which he read. Also, the Hereford Breviary<sup>10</sup> has a set of lessons extracted and abridged from this text. They are those in col. 2 of vol. ii, pp. 169-73, and of pp. 176-7; also those on pp. 179-80. The others are extracts from Giraldus. The Breviary text is corrupt enough: for the name of Offa's father (Thingferth) it reads 'Olimferti', for 'Eglaun nomine' we have 'eglaunnonie', and so forth. Fortunately we are not in much need of help for the correction of our text; the Cambridge manuscript is a very good one. It may be worth while to remind the reader that besides the Hereford version of St. Ethelbert's story which is presented here, another tale was propagated by the St. Albans chroniclers (for example, Wendover), in which the murder is managed differently, and the whole blame thrown upon Offa's queen. It was necessary to save the credit of the founder of St. Albans.

Though it is no part of my purpose to collect all the available information about St. Ethelbert, I have thought it well to consult an important source of knowledge about English saints, namely, Roscarrock's manuscript.<sup>11</sup> His account of St. Ethelbert occupies three pages (ff. 208, 209), and from it I extract the following matter. What I omit is his narrative, taken from Capgrave's *Nova Legenda*.

'And coming to King Offar's Court at Sutton walls in Herefordshire, 4 miles from Hereford, the Queene, called of some Quendrida, of others Keneswyda etc. . . . betwixt them they practised his death, though some would seeme to excuse Offa: but Malmesb: lib. 1. Reg. cap. 4 & Huntington lib. 9 & Capgrau, whom I doe speciallie followe, maketh the king a principall actor, and that he practised with Winbert (or Guinbert) wch others call Swinbert . . . he cutt of his head the 20<sup>th</sup> of Maye (& not the 18, as Speed mistaketh) about the yere of our lord 784. 790 saith Stowe 793 saith Speede.' . . .

'The bodye of the young king was in the meane time buried baselye, & his head caried shamefully (not without punishment) to the River Lugg, at a place where nowe the Parish Church of Mardune [Marden] is, wch some think tooke name of his Martirdome, importing the Martyrs Hill.' . . .

'Capgrau saith 3 Nights after the Marters death hee appeared to one Brithred . . . (who) shrowded (the body) in fayre lynning & caryed it to a place som 3 or 4 miles from Sutton Walls called somtimes Trefaweth of the Birtch trees, & then fernlegu or ferelega of the Farnes or Brakes that grewe there, & since Hereford or sometimes Henford, of an old ford or Passage over the River there.'

[The Church of Hereford was endowed by several kings.] 'And namelie by Edwin the Saxon or as Will<sup>m</sup> Mape writeth, Alnod his son,

<sup>10</sup> Ed. Frere and Brown, Henry Bradshaw Society, 1911.

<sup>11</sup> Add. 3041 in the University Library, Cambridge.

& by Ederick the Savage, being perswaded hee was cured of the Palsaye by the prayers & Meritts of St Ethelbert, Lib. Curial. 2, cap. 11.'

'John Stow whoe w<sup>th</sup> Capgrau & others in his discourse of the east Angles maketh Milfrid the first founder of St. E.'s Church, in writing of the Mercians attributs it to King Kenulphus, w<sup>ch</sup> maketh J. W. in his Sanctiloge to imitate him in his report of Kenulphus onelie. But whoe-soever builded it, Henrie Huntington lib. 6. fol. 210 noteth that Consull Algar (burned it about 1050 & Harold repaired it).'

'What after became of his bodie or Relicks I cannot certainly saye; but I haue red that som write they were burned at that time. An Auncient Manuscript saith that his head was reserved in the Monasterie of Westminster, being translated thither, & that it was full of Braines & vn-corrupted.'

'If you will anie more of him, reed Capgrau in his life, Geraldus Cambrensis whoe wrote his life about the yere of our lord 1200, Polichron. lib. 5 cap. 27, where he calleth King Offar's Queene Keneswida, Malmesb de gest. Regum lib. 1 cap. 4, where he taxeth Offa w<sup>th</sup> sinister dealing: de gest. pontif. lib. 4, where he censureth such censurers as, seing the Miracles of him & other, doubts of ther being Saincts, to w<sup>ch</sup> effect another writeth thus

fear

To Censure Saincts let Sinners cease for shame  
When God by them great Miracles doth frame.

Alcuine or Albinus noteth that Egbert or Egfride the sonn of Offa dyed not his vntimelie death so much for his owne as for his father's offences, and I might perhaps have said, his Parents Bloddiness. Reed of him Camden in Lattine, Herefordshire fol. 461. 473, Polichron. lib. 5 cap. 27, Doct. Harpsfeld Cent. 8, Math. Westmin. a<sup>o</sup> 734, Florentius Wigorn. in geneolog., Pol. Virgil, lib. 4. Osbert of Stoack wrote his life about the yere 1136. Math. Westm. noteth a<sup>o</sup> 739 that he was Murdered by the sleight of Quendritha King Offar's wife, & suffocated in an odd Trapp or Caue w<sup>th</sup> Pillowes. Father Whitford in his translated Martriloge saithe that the holie Boddie of St E. laye at Hereford & the head at Westminster. May 20, Geraldus Cambrensis.'

'I Reed in an Auncient Legend that as Brithrid remoued the boddie' etc. (Miracle of the blind man) 'the church builded by Milfrid was new builded by Bish: Kenelm or Ranelme, but others think by Robert, whose 2 Tombes seame confounded, & that hee builded it to the forme of the Church of Aquisgraine (Aix-la-Chapelle); for that Tombe w<sup>ch</sup> is attributed to them both hath as it were a church in the hand of the Purtrait on the Tombe.'

It is to me particularly interesting to notice that Roscarrock knew something of Walter Map, *de Nugis Curialium*. Map tells the story of Alnod's gift of Ledbury North to Hereford twice over, in *Dist.* II. xii and IV. x.<sup>12</sup> I have not attempted to ascertain the origin of the discrepancy between him and Giraldus, who calls the giver Edwinus.

M. R. JAMES.

<sup>12</sup> pp. 77 and 176 of my edition.

## I. THE LIFE BY GIRALDUS

i *Proemium in uitam Regis et martiris Æthelberti a Giraldo digesta(m).*

Si quis deliciarum orto et paradisi celestis plena perpetuaque felicitate perfrui desiderat, sanctorum virorum certamina quibus tantam adepti sunt palmam doctrine pariter et exempli gratia deuote debet et diligenter amplecti. Felix etenim qui florifero supernarum sedium campo vel mente constitutus hinc rutilantes angelorum choros, inde choruscantes uirginum choreas, hinc candentia confessorum lilia, ibi rubicundas martirum rosas interiori lumine contemplans, inter has deliciarum affluentias pie meruit et pure delectari. De martirum autem<sup>1</sup> meritis, martiris nostri et regis Æthelberti gracia, cuius hodie sollempnia uotiuue celebramus, communi titulo pauca prelibantes eius explicare preconia specialiaque uite insignia subsequenter aggredimur.

Martires igitur inter electos milicie celestis athletas peculiari quadam prerogatiua Christi expressius uestigia sequentes et rubris induti tanquam calcantes in torculari, puniceaque uicticis palme uexilla ferentes, uictoriosum eiusdem fuso cruore triumphum, non solum uerbis et fidei constantia, uerum etiam inter exquisita tormentorum genera sanguinis effusione testantur. Hii sunt qui tanquam olerum plante sic eradicantur ut crescant, sic mortificantur ut uiuant, sic sti(r)pitus euelluntur ut adolescant. Hii sunt uera tritici grana que nisi mortua fue(r)int sola manent et infecunda, mortua uero et in terram cadencia fenore cum multo fructum afferunt et felici fecunditate letantur. Hii sunt qui sic animas amant ut perdant, sic lucentur ut careant, sic ad tempus amittunt ut imperpetuum possidere mereantur, et quasi noua quaedam mirabilique contrariorum iunctura, dissonorum consonancia, et dissidencium conueniencia sic auferunt ut conferant, sic destruunt ut construant, sic odiunt ut diligant, sic diligant ut et odio quoque plurimum persequi uideantur.

Hiis autem in commune breuiter et succincte deductis ut communi multorum suffragio subleuemur, ad specialem nostri martiris hystoriam deo duce tanto confidentius accedamus quanto specialius noster hic chorus continuis eiusdem et patrociniis exultat et glorie laudibus illustratur.

ii *De ortu Æthelberti, educacione et instruccione.*

Beatus igitur Æthelbertus, qui nostro nunc causam calamo dedit, ingenuis natalibus ortus ex Adelredo rege Leouerina uero regina parentibus in lucem prodiit, et quasi nouum mundo iubar illuxit. Qui et ipsi atavis editi regibus ex orientalium Saxonum regalia prosapia, Anna uidelicet Enni filio et Etheldride uirginis patre, Adelredo, Adelero, et Athelwaldo, Adulfo et Alfwoldo quoque, (quos) in Anglorum hystoria Beda commemorat, et illustribus quoque Merciorum regibus ac ducibus, lineam duxerat originalem. Puer autem, ut dociles [doctrine capaces] primum peruenit ad annos, piis a parentibus litteris datus, et pedagogis electis, erudicione pariter et morum uenustate conspicuis, fideliter assignatus, totis litterature nisibus, totis honestati gracia cooperante uiribus indulgebat.

Qui, puerilibus ut primum processu temporis elapsus ab annis ad

plena pubertatis tempora iam peruenisset, et in liberalibus disciplinis fidelia sacre scripture fundamenta strauisset, in eiusdem apicibus ad cor altum accedens, uehementi animi applicatione cum summa uoluntate deseruiebat.

Puer igitur hic noster et auro purior igne probato, illud regis prophete Daudid pueris ad animum reuocans *Erudimini qui iudicatis terram*, et illud Ieronimi non ignorans *Radix litterarum amara est, fructus uero dulcis*, illud quoque Salomonis salubriter aduertens *Litterarum eruditione senectuti uaticum preparatur, et disciplinata iuuentus etatem confert fructuosam*, sic puericiam litteris imbuit et moribus ornauit, sic adolescentiam sacris informare statuit et studuit institutis, ut sicut per etatem, gradus, sic amplius quoque uirtutum passibus per uite merita gradatim ascenderet adeo quidem ut in uiridi iuuenta uicia summo opere uitans, et uirtutum studia sequens complensque, in breui tempore multa senilis maturitatis fructus tam efficaciter adeptus fuisset, ut in ipso expresse completum esse uideretur: *Cani sunt sensus hominis, et etas senectutis uita immaculata*.

iii *De Æthelberto post patris obitum in regem substituto.*

Interim autem, rege Athelredo rebus humanis exempto, noster Æthelbertus tanquam filius eiusdem vnicus et heres ab institutis litterarum subito raptus, ad curas terrarum communi omnium uoto unanimique desiderio in regni solium est sublimatus. Quanto uero moderamine regiminis huius rexit habenas, quam pium et humilem, saluo solum maiestatis honore, se in cunctis exhibuit, nostra tangere quidem pagina poterit, ad plenum autem minime sufficiet explicare. In primis etenim hec et huiusmodi scripture testimonija secum recolligens: *Quanto maior es, humilia te in omnibus: Humiliamini sub potenti manu dei: qui se humiliat exaltabitur*: et illud ex beate uirginis cantico: *Deposuit potentes de sede et exaltauit humiles*; humilitatem in corde suo specialiter et precipue radicauit, et in ea sola ceterarum uirtutum quasi fundamenta locauit. Preterea recolens et rationem nominis attendens, quoniam a regendo rex dicitur eo quod se primum, deinde populum sibi subditum, regere debeat, quia componitur orbis regis ad exemplum; (qualiter etenim ad regni amplitudinem regendam presumptuosus accedit qui non breuem corpusculi sui massam regere nouerit et ratione moderari?) hec inquam animo concipiens et reuoluens, talem teneris annis se reddere curauit qui primum sibi ualeat, deinde multitudini merito debeat imperare. Pius itaque, clemens, et misericors, pupillo et orphano calumpniam fieri et sanguinem innocentem effundi non permittens, in dubiis etenim et ambiguis longe pronior absoluere quam condempnare, in certis autem et sententia dampnatis semper penam mitigare paratus; dolens plurimum quociens dolorem cuiquam inferre iusticie rigore tenebatur, gaudens econtra nec mediocriter exultans quociens premia conferre et beneficia spargere qualibet occasiuncula preualebat. Ad hec etiam cum honorem debitum singulis impendisset, longe pre ceteris cunctis et terrenis omnibus matrem adhuc superstitem non immerito uenerari satagebat, per quod et preter alia graciaram donatiua longeuus fieri meruit super terram;

\* The Arabic numbers denote the sections of the Bollandist text, *Acta Sanctorum Maii*, v. 241\*—247\*.

terram quidem non hanc quam terimus, sed potius illam quam querimus : terram non hanc morientium, sed illam uiuentium de qua scriptum est : *Credo videre bona domini in terra uiuentium* : et alibi : *Quesiui residuum annorum meorum ; non uidebo dominum in terra uiuentium*. Tanta nimium cordi eius in deum pietas insita fuerat et tam pura deuotio, ut inter uniuersos mundi principes iusticia, clemencia, fideique constancia tanquam lucida gemma preradiaret. Nichil est enim quod lumine clarior(i) prefulgeat quam recta fides in principe. Nichil est quod adeo nequeat occassui subiacere ut uera religio.

(2). iv *Quod uxorem ducere regiamque prolem suscitare proceribus inuitatur.*

Hiis itaque feliciter exactis, accedentes ad eum tam proceres regni quam pontifices super uxore ducenda regiaque prole suscitanda ipsum primum in priuato deinde palam et publice conuenerunt. Ipse uero quoniam a puericia fixum in animo radicumque habuerat uas suum in omni mundicia et sanctificatione custodire uelle, et uirginitatem corporis sui deo dedicare fructumque centesimum expectare, quantum et quamdiu potuit renuit omnino, distulit, et recusauit. Legerat etiam, et tam ex ethicis quam theologie paginis notum habuerat matrimoniorum quanta sint onera, quantas habeant insitas et insertas illa thori thalamicque secreta domestica amaritudines, molestias multas et anxietates. Legerat enim fatuarum inepcias, deformium fastidia, formosarum et generosarum fastus et superbias, adulteria, plerumque prolem incertam uel euidenter alienam, iras, rixas, zelotipias graues, et suspiciones. Legerat hec, inquam, et ex hiis collegerat pectora quidem in quibus hec regnant parum habere pacis, plurimum autem perturbacionis.

Porro inualescentibus tandem eorum insultibus qui<sup>3</sup> oportune instabant et importune, sciens quod contra omnes sapere quasi desipere est, sciens et illud : *Omnia fac cum consilio, et post factum non penitebis*, quamquam uix et inuitus, eorum denique uoluntatibus decreuit et duxit obtemperandum. Timebat enim (et hec eum ratio precipue induxerat ad consensum) regnum, si ob eius defectum aliquando forte herede careret, hostiles ea occasione incursus, excidium pariter et exterminium pati posset.

Accessit igitur ad eum aliquando inter proceres regni sui uir magnus et potens comes Guerro, monens et consulens quatinus australis Britannie regis Egeonis filiam cui nomen Seledrida, unicum scilicet nuper defuncti patris filiam et heredem, sibi matrimonio copularet, ut ea uidelicet occasione quasi duo regna in unam conuenire possent monarchiam. Cui rex statim huiusmodi responsum dedit : Nonne Egeonis illius hec filia est qui patri meo semper infidelis existens, tot eum fraudibus, tot periuriis fallere consueuit ? upote uir subdolos, perfidus, et uersutus, qui et animum sic instituerat ut nichil ei menti minus fuisset quam non mentiri, nichil fas nisi nefas, nichil equum preter iniquum uidebatur. Nosti, Guerro, quod sicut in arboribus uicium radicis in ramos ascendit, sic in hominibus ceterisque animalibus naturaliter in prolem descendere solent uicia parentum uel uirtutes. De uiciis itaque mulierum et uirtutibus, non diuiciis et possessionibus est inquirendum ; de parentum

<sup>3</sup> MS. quoniam ?

quoque moribus potius quam honoribus inuestigandum. Fortune nimirum munera mutari crebro uidemus et transferri, natura uero radicitus heret, que suos in neutra fortuna relinquere nouit heredes.

v *De consilio comitis Oswaldi super Offe Merciorum regis filia ducenda.*

Accedens autem ad eum denique comes Oswaldus qui inter consiliarios ipsius ei fide fuerat et familiaritate precipuus, eundem super Offe Merciorum regis, magni viri in occidentalibus insule finibus et magnifici, filia vnica atque legitima ducenda cum instancia magna secreto conuenit. Ipse uero quamquam inuitus, ad huiuscemodi consilia condeclinans respondit se cum matre sua regnique proceribus inde in breui consilium habiturum. Quibus ad diem certum conuocatis omnium fere assensus Oswaldi consilio concordauit, matre sola, uel quod filiarum attentius quam filiorum matres coniugia maturare solent, uel potius mente presaga malorum, illud penitus dissuadente. Vir autem bonus et iustus, maiori parti descendendæ statuens, neue muliebri consilio terre sue primatibus pertinaciter resistere uideretur, eorum uoluntatibus se concessit obtemperaturum.

Sciens igitur quoniam *(nec) uelle uolentis, neque currere currentis, sed omnia dei miserentis*, sciens quod<sup>4</sup> *cor hominis disponit*<sup>5</sup> *uiam suam, sed deum dirigere gressus eius*, missa mane deuote ut assole(ba)t et diligenter audita, graciaque sancti spiritus inuocata, cum magno committatu regioque sicut decebat apparatu iter incunctanter arripuit. Sed cum ad equum ascensurus aduenisset, terra sub pedibus eius, cum astancium omnium plurima admiracione et terrore, quasi terremotu facto tremuit aliquamdiu et concussa quieuit. Ipse uero *iactans in domino curam suam*, eique *reuelans uiam suam qui non derelinquit sperantes in se*, inmotus omnino et interritus iter agredi non formidauit. Et cum aliquantulum processisset, sole obscurato tante itinerantes et tam atre<sup>6</sup> subito tenebre operuerunt, ut neque seipsos ad inuicem neque uiam ullam iam uidere ualuisent; donec piis uiri sancti precibus et deuotis oracionibus radii solares sunt restituti. Clamabat enim ad dominum, et ad terram prostratus humiliter dicebat: *Notam fac michi domine uiam in qua ambulem, quia ad te leuari animam*. Nec mirum si signa que in morte Christi apparuerunt et ante mortem huius membri Christi eiusque dilecti eandem presagiencia contigerunt. Terra quippe quasi scelus abhorrens quod iam iminebat mota est, sol autem obscuratus tanquam ne uideret faciem auertit. Uel terremotus ille terre regni tocius commocionem et desolacionem que ab ortu Æthelberti multis annorum circulis sub regulis et tyrannis usque ad regis Ædmundi tempora durauit potuit aperte significare: sol uero lucem subtrahens ipsum ab hac luce in proximo subtrahendum manifesto indicio declarauit.

Cum itaque longius iter agendo ad uicum in Merciorum regno que uilla australis ab accolis vocabatur iam peruenisset, die ad uesperam uergente ibidem pernoctare statuens, in loco campestri figi tentoria iussit. Premiserat autem uiros discretos atque disertos cum regiis donariis et exeniis que et regem dare et recipere cum honore deceret, aduentum eius causamque aduentus Offe regi nunciantes.

<sup>4</sup> quodque ?

<sup>5</sup> disponere ?

<sup>6</sup> acre.

vi *De uisionibus.*

Eadem vero nocte cum fatigata labore dedisset membra sopori, uisiones uidit terribiles ualde. Uidebatur autem uidere totum aule sue regie fastigium a summo deorsum culmine corruiere, cornua quoque thalami sui, in quo quiescere solebat, nutantibus tam tecto quam parietibus subito lapsu in terram cadendo comminui. Et alia quedam non minus horrida que comes Oswaldus sibi a rege relata consolandi atque obsequendi gracia benignius interpretari satagebat. Ipse vero tacite considerans cuncta et intrepide, seque suamque ex toto causam deo commisit, de meritorum exigencia, intencione purissima, et consciencia plenam in domino, gracia cooperante, fiduciam habens, quicquid in hac uia et uita carni sue contingat, nichil ei in bono perseueranti nisi ad anime prouectum accidere posse.

- (6). In crastino uero reuersis ad eum nunciis, tam propriis quam et ab Offa rege transmissis, qui et eueniendi securitatem ei cum gracia regis et beneuolencia reportabant, colligi tentoria cum sarcinis omnibus et impedimentis et iter expediri rex precepit. Premissis itaque primo redis deinde clitellariis et sagmariis multis cum seruiencium tam peditum scilicet quam equitum turbis; ipse militum agmine pulcherrimo septus competenti est ordine subsequutus. Post longos itaque uie labores, cum ad curiam Offe regis aduenisset, fama tanti aduentus diuulgata, Alfrida Offe regis filia ab alto per fenestram solio iuuenem nostrum ianuas intrantem et milites, more muliebri, eo quo intrabant ordine cepit diligenter intueri. Quo facto, ad matrem puella reuersa eidem statim exorsa est cum admiracione uisa et forsan uisis maiora referre. Iuuenis formam iuuentutis elegantissimam, proceres <sup>7</sup> illustres, milites insignes, comitatum et apparatus incomparabilem, longeque imparem patris sui potenciam hiis diuiciis asserebat.

(6). vii *Oracio regine et praua persuasio.*

Quibus auditis animoque diucius anxie reuolutis, regina, muliebri plena tam astucia quam malicia, regem eadem nocte in huiuscemodi uerba conuenit: 'Mature tibi, rex, in hoc articulo et ualde maturando opus est consilio. Nosti quod Orientalium Anglorum tyranni Merciorum populis ab antiquo imperare desiderant. Nosti antiquas gencium inimicicias et mutuas plerumque regnorum subiecciones. Fallor si non iuuenem istum plus ambitus huc quam amor adduxit. Sub uxoris namque ducende pretextu et palliate amicitie fuco, captata tue senectutis occasione, callidus in hos fines explorator et expugnator aduenit. Non itaque ducendi (sed seducendi) causa hospes aduenit; nec hospitibus ille cum tanta militum et armorum copia, sed uerius hostis ymaginem gerit. Sed esto quod filiam nostram duxerit, et hac precipue causa in partes istas aduenerit: tunc iure quodam successione et hereditatis, que iam ipsum quasi cum herede contingeret in mortem tuam, rex, (quotidie) anelaret, totumque sibi quod in pace nunc possides iugiter appetere et modis omnibus acquirere non cessaret. Recole, rex, et ad animum reuoca procerum tuorum inconstanciam si memores tibi tociens expertam, et Mercie genti a Britonum confinio pariter et contagio inditam animi leuitatem. Sunt certe non-

<sup>7</sup> properes.

nulli de quorum fide, tua, rex, plurimum fiducia pendet, qui sibi generi tui gratiam eciam mortis tue machinacione compararent. Flagellum itaque tibi, rex, fabricas et flagitium para(s) si talem tibi successorem creas. Preterea nonne *filius ante diem patrios incurrit in annos*? Si filius hoc, quid ergo gener? et ille gener qui genus tuum odio persequi et gentem affligere sibi que subicere uelle auito iure tenetur. Num uerbis eisdem quibus olim usus est magnus ille socer in generum maximum et hic e diuerso gener in socerum uti posset: *ille semel raptos nunquam dimittet honores*?

Ad hec populus nouitatem cupiens, nouo precipue dominio gaudens, tuumque iam olim senium in tedium ducens, hec et huiuscemodi in te ruminauit: '*Quod antiquatur et senescit prope interitum*<sup>8</sup> est. Senectus deficit et decedit, iuuenta uero proficit et procedit.' Et quoniam semper uenturus amatur, que tibi regnandi in hac etate securitas foret contra iuueniles huius uires et omnium vota? Nichil itaque restat si tibi generum hunc constituis, nisi ut regni tui uiteque prescripta pericula non euites, uel saltem timide trepideque de cetero sub tanto insidiatore et successore regnabis, et orientalis illa seruitus in liberos hos fines et bellicam marchiam parte<sup>9</sup>, quod absit, inducetur.

Porro si repulsam passus et offensus abscedat, periculum tibi priore[m] non minus proculdubio, rex, iminebit. Terrarum nostra(ru)m aditus et exitus iam nouit, exploratore non indigens alieno: etatis tue defectum et infirma nostra considerauit: occasionem confusionis atque repulse pretendet, eaque in nostrum abutens exterminium bellum nobis statim indicet et excidium accelerabit.

In has itaque perplexitates nos hospitis huius aduentus induxit. Vnde necesse est ut uel tua per ipsum in breui destructio, uel eius accidat per te matura perempcio. Et quoniam 'exeat aula qui uolet esse pius', 'uirtus et summa potestas non choeunt', 'semper metuet quem seua pudebunt', et hoc articulo tibi, rex, aut seuiendum certe est aut seruiendum et aliene seucie succumbendum'.

viii *Oratio regis non absoluens sed condemnans.*

Finito regine sermone post longa suspiria rex tandem in hec uerba prorupit: 'Angustias vndique graues tua nobis racio, regina, depingit, ex qua uideo quidem et euidenter intelligo quoniam hinc periculum nobis, inde turpitude (similiter) uersatur. Sed si uires suppeterent et pristinae iuuentutis uigorem dies mihi deterior non inuidisset, parum huius pectoris constanciam et innatam animositatem hec aut hiis maiora mouerent. Uerum tamen quoniam, sicut "multa ferunt anni uenientes comoda secum" sic "multa recedentes adimunt", tempori temperamenta donantes, modernisque moribus nos conformantes, nostram modis omnibus indemnitate[m] et securitatem procuremus.'

ix *Regis Æthelberti decollacio.*

Cum de morte beati Æthelberti ad suggestionem huius regine, regis Offe vxoris, tractaretur, aduocatis ad consilium proceribus paucis, hiisque priuatis et ad fauorem muliebri industria prius allectis, omnes in hanc sententiam uirique innocui mortem consenserunt, dum tamen id procul

<sup>8</sup> infitum.

<sup>9</sup> per te, post te?

(7).

a militaribus eiusdem turbis secretoque et sine tumultu fieri posset. Prosiliens igitur in medium uir sanguinis ad scelus omne paratus, cui nomen Guinbertus, ob familiaritatem olim in domo patris sui, cui ministrabat, cum iuvene nostro contractam, se melius alio facinus illud effectui mancipare posse promisit. Qui mercede statim constituta pecuniaque suscepta hospiciū Æthelberti fraudulenter adiuit, monens et consulens eique ex parte regis denunciāns quatinus ad ipsum ilico priuatus et absque militari strepitu negocium pro quo uenerat ad uotum expediturus adueniat. Regis enim infirmitas ac debilitas, sicut in dolo asserebat, turbas atque tumultus recusabat.

Noster autem iuuenis, quia nichil prauitatis vnquam uel excogitauerat uel expleuerat, nichil hic prauī penitus suspicando, fidem dictis adhibuit, gladioque suo solum accinctus proditorem preuium innocens omnino et immaculatus, hostia lictorem, uictima carnificem, agnus lupum, ad regis usque palacium litandique locum sub nocturno silencio secutus est. Uenientibus igitur illis ad diuersorium tanto sceleri magis idoneum, et ad hoc prouisum, exilientibus Gwinberti complicitibus, capitur Æthelbertus atque ligatur; eique nomen domini iugiter inuocanti spiritumque suum in manus eius commendanti suo ipsius extracto gladio capud Gwinbertus amputauit, cruentumque munus et ualde crudele regi ac regine (illico) presentauit.

(A uita itaque istius seculi raptus est Æthelbertus<sup>10</sup>), ne malignitas mutaret intellectum eius et ficcio deciperet animam eius. Raptus est, inquam, ne centessimi fructus gloria et uirginitatis honore quem semper appeciit ullo mundi contagio fraudaretur. Et, sicut alie quedam sed non aliene referunt historie, in iuuenem forma insignem uiridique iuuenta petulantes oculos mulier incesta coniecit: quemque nullatenus ad consensum inclinare preualuit, tanquam uxor Putifar secunda Ioseph alterum in Æthelberto reperiens quasi uipera aculeis exagitata totum in uindictam uirus euomuit. Videns igitur, et talem tantumque uirum eciam filie mater inuidens, superque repulsa et confusionis erubescencia plurimum dolens, mortem uiro sancto muliebri malicia statim crudeliter est machinata. Quoniam, sicut in Ecclesiastico legitur: *Non est capud nequius super capud colubri; et non est ira super iram mulieris.* Et in eodem: *Breuis est hominis malicia super maliciam mulieris.* Et in Ecclesiaste: *Unum de mille uirum reperi, mulierem autem non inueni.*

Sic itaque quoniam in commune bonus nec sibi sed toti se regno uiuere credens, communi omnino uoto et comodo proprias omnino composuit tam utilitates quam uoluntates, ut subditorum indempnitati pie prouideret, prolemque legitimum regno suscicaret; ut adulterium denique uitaret et in pura castimonia perseueraret, meritorum exigencia uirgo simul et martir palmam uictoriosus utramque reportans, diuisis partibus terram meritis atque miraculis illustrauit, et super astra gloriose translatus celestem hodie curiam aduentus sui gaudio letificauit.

Passus est igitur et palmam adeptus XIII<sup>o</sup> kl. Iunii, regnante domino nostro Ihesu Christo vna cum patre et spiritu sancto, cui est honor uirtus et gloria in sempiterna secula. Amen.

Sed quoniam non solum passionis et sepulture loca, uerum et remotas

<sup>10</sup> Raptus est itaque ne *cod.*

quoque natiuitatis et conuersacionis sue partes signis et uirtutibus illustrans, multa dominus martirem suum mundo per miracula declarauit, et ea quoque subsequentes exprimere litterarumque monumentis nostra diligencia commendare dignum deo cooperante reputauimus.

x *De prophecia uirginis Ælfride et uoto castitatis emisso.*

Audito igitur principis sui casu tam inopinato Ælfrida uirgine reuelante militibus Æthelberti ad propria reuersis, prophético repleta spiritu multa matri quasi diuina comminatione uirgo futura predixit. Et primo de filio Egrido per triennium non victuro, regnoque ipsius non stabiliendo: de ipsa quoque regina turpi morte in breui moritura et ultra tres menses non victura, ante mortem uero, quia *potens est dominus sanguinem sanctorum suorum vindicare*, et quia *potentes potenter tormenta patientur* demoniis arripienda et lingua ipsius propriis dentibus corrodenda. Que omnia sicut predicta fuerunt sunt completa.

Uirgo igitur Ælfrida castitatem corporis sui deo deuouit, et uirginitatis apicem cuius merito centessimum a puericia fructum finaliter apicerat domino dedicauit. Et sic de carne pariter et mundo triumphans, mundanasque pompas deuouens penitus et detestans, ad palustres Croilondie sedes tanquam ad heremum se transferre curauit. Ubi contemplationi dedita penitus et deuocioni uite sanctitate salubriter assumpta et talari tunica finaliter induta *elegit magis abiecta esse in domo domini quam habitare in tabernaculis peccatorum.*

x *Quod ignobili traditum sepulture corpus columpna lucis declarauit.*

Quibus itaque gestis corpus truncum efferri cum capite rex precepit, et in ripa fluminis quod Luggo dicitur occulte sepeliri. Corpus itaque ministri cum feretro imposuissent, tante leuitatis inuentum est ut leuitatem ipsam pro miraculo ferendique facilitatem impii satellites habuissent. Quidam tamen eorum sanctum caput separatim gestantes obstinaciore nequicia illud in terram proiciendo uice pile uoluebant. Et cum ad locum destinatum peruenissent, corpus cum capite iuxta principis edictum ignobili sepulture tantoque thesauro longe indebite atque indigne traderunt. In quo illud apostoli ex parte completum uidetur: *Sancti ludibria et uerbera experti, insuper et carceres: lapidati sunt, secti sunt, temptati sunt, in occisione gladii mortui sunt.*

Sed quoniam *non potest ciuitas abscondi super montem posita, et nemo accendit lucernam et ponit eam sub modio sed super candelabrum ut luceat omnibus*, Lucerna hec nostra, super montem qui Christus est posita et fundata, et super candelabrum septiformis gracie fideliter erecta, abscondi nequaquam potuit uel occultari. Columpna namque lucis sole splendidior eadem nocte ab eius sepulcro in celum usque protendebatur, et uelud flamme omnia deuorantis in girum scintille et radii coruscantes sequebantur. Cuius nouitatis miracula a multis qui uiderant diuersarum parcium Offe proposita superbiam eiusdem ad tantam humilitatem et penitentiam reduxit<sup>11</sup>, quod decimum rerum suarum omnium ecclesie dedit, et quecunque possedit decimauit, Romamque profectus apostolorum

<sup>11</sup> Sic.

limina deuote veneratus, multis ibidem ecclesie consilio causa penitencie egregie gestis, ad uite correccionem condignamque compuncionem gracia cooperante signis et miraculis prouocatus est.

- (10). xi *Quod Bricfrido apparens corpus suum transferri iussit et caput miraculose repperiri fecit.*

Tercia post nocte beatus Æthelbertus nobili cuidam et prediuiti uiro Bricfrido in stratu quiescente apparuit, precipiens ei ut corpus suum effossum ad locum qui Statuswaye<sup>12</sup> dicebatur efferret, et iuxta monasterium eodem in loco situm illud cum honore reconderet ac sepulture daret nomenque suum et causam eidem exposuit. Experrectus autem a sompno ut oculos uir bonus aperuit, totam celesti lumine domum conspexit illustratam, uirumque sanctum qui ei apparuerat cum tanto iubaris splendore disparuisse. Hiis autem uisis et auditis surgens Bricfridus a cubiculo, non mediocri gauisus leticia multiplices diuine maiestati quod ipsum tanta uisione dignata fuisset gracias intimo corde profudit. Adiunctoque sibi socio particepeque laboris uiro probo, cui nomen Egmundus, ad locum pariter accesserunt, effossumque corpus propriis manibus decenter ablutum et sindone regali post indutum, in curru quodam extulerunt.

Quo facto, cum de corpore uiri sancti sic exequiis iam preparato leti plurimum et exhilarati fuissent, pro capite tamen nondum inuento mesticia suborta multum eorundem gaudiis est derogatum. Sed fuis ad deum communiter oracionibus caput quoque non procul a corpore ubi non sperabatur deo reuelante inuentum est, et statim in feretro digne reconditum suo est toti reintegrato<sup>13</sup> gaudio coaptatum.

Cumque nobile feretrum uersus locum destinatum prosequerentur contigit ut ad capud in terram a reda forte dilapsum quidam per xi annos oculorum orbatus officio omine felici obiter offenderet, et statim desiderati luminis gaudia recuperaret. Qui confestim caput erigens, deoque et sancto Æthelberto elata voce gracias agens, currum e uestigio secutus est: ab eodem etenim a quo suscipiebat lumen exterius et interiore quoque lumine per reuelacionem et gratiam est illustratus. Et cum aliquantulum processisset, ad Bricfridum et Egmundum qui fatigati itin(er)e parumper repausabant, gratulanter accessit, thesaurumque ab ipsis perditum et ab eo miraculose repertum eisdem restituens, rem gestam ipsis et luminis gratiam per merita martiris egregii recuperatam letabundus exposuit. Quibus auditis Bricfridus et Egmundus maximo repleti gaudio deum qui tam mirabilis est in sanctis suis et magnus in omnibus operibus suis glorificare non cessarunt. Et sic procedentes usque ad locum presignatum ibidem corpus sanctissimum honorifice sepelierunt, in loco uidelicet qui Anglice Fernlega, Latine interpretatum saltus filicis, dicebatur, nostris uero diebus a comprouincialibus Herefordia nuncupatur.

- xii *De columpna lucis supra sepulchrum radiante, et Milefrido Britonum rege qui ecclesiam martiri construxit, et eidem loco episcopum prefecit.*

Translato in hunc modum nobilissimo thesauro, multis circiter eodem tempore noctibus ad sancti uiri sepulchrum lux de celo missa radiabat et uelud in columpna ignea a terris ad astra choruscans, gloriosi martiris

<sup>12</sup> Stratuswaye, *Boll.*: Statuswaie, *Leland.*

<sup>13</sup> *Sic.*

3). palmam declarauit. Hiis et huiuscemodi signis et prodigiis multis mundo beatus Æthelbertus de die in diem magis innotuit, quoadusque Merciorum rex Milfridus sanctitatem viri dei de fama vulgante cognouit. Qui et quandam episcopum suum, uirum simplicem et sanctum, de cuius plurimum diligencia confidebat, ad locum destinauit, iubens ut de morte martiris et causa, deque miraculis et signis ibidem meritis eiusdem a deo declaratis diligens ei scrutinium facere<t>, rerumque gestarum prudenti indagine certitudinem reportare<t>. Quo facto, regis innocentis interitum quem didicit, magnaliaque dei multa, nec solum ea que audiuit verum et illa que ibidem oculis conspexit, principi suo renunciauit.

Milefridus igitur hiis auditis, quamquam in remotis regni sui partibus tunc temporis ageret, transmissa ad locum eundem pecunia multa, ecclesiam egregiam lapidea structura ad laudem et honorem beati martiris a fundamentis incepit, piaque deuocione domino auxiliante perfecit, primusque regum omnium eodem episcopum eodem loco constituens ecclesiam eandem cathedrali dignitate sublimauit. Terris quoque plurimis et prediis amplis, palli<i>s olosericis et ornamentis egregiis, regia quoad uixit munificencia ditare quidem et dotare non cessauit.

Quoniam autem de spinis rose, de tribulis ficus interdum colligi solent, sacratissima infausti principis Offe filia et amica Christi de qua prediximus Ælfrida, solitariam in paludibus de Croilonda uitam agens, induta talari tunica in sancta usque ad finem centesimo gaudens fructu uirginitate permansit. Et iuxta promissa misere matri sue presagia, pater penitencia ductus occubuit, filius autem eius Egfridus vix per annum unum et centum quadraginta dies pro patre regnauit. Et sic completum est quod propheticæ uirgo predixerat, quod post necem martiris Æthelberti tribus nequaquam annis Merciorum populis imperaret: quia nimirum de semine nequam filii prodeunt scelerati, et in prauam non immerito generationem ira dei propter innocentis necem atrocius deseuiit, et ad ulciscendum sancti sui qui effusus est sanguinem radicem inique propaginis de terra stirpitis auulsit.

(.) Unde et huic nostre pagine quod Asser historicus ueraxque relator gestorum Regis Alfridi de hac generatione peruersa conscripsit eisdem<sup>14</sup> interserere uerbis non indignum reputauit.

xiii *De Ædburga regina ab Offa tyranno progenita.*

Fuit, inquit, in Mercia moderno tempore quidam strenuus atque uniuersis circa se regibus et regionibus finitimis metuendus rex Offa nomine qui uallum magnum inter Merciam et Britanniam a mari usque ad mare fieri imperauit. Cuius filiam Ædburgam nomine Berthtricius occidentalium Saxonum rex sibi in coniugium accepit. Que confestim accepta regis amicitia et tocius regni potestate permaxima more paterno uiuere incepit tyrannide tocius iniquitatis assumpta. Quecumque enim rex diligeret grauibus odiis insequeretur, immo omnia deo odibilia hominibusque contraria spiritu malignitatis facere cogebatur. Cunctos quos poterat ad regem accusabat, et ita eos aut potestate aut uita per insidias priuabat. Et si aliud a rege non posset impetrare, veneno eos machinabatur extinguere. Quod adolescente<sup>15</sup> quodam regi dilecto eique familiarissimo fecit;

<sup>14</sup> eiusdem?

<sup>15</sup> Sic.

quem quia coram rege causare non potuit uenefica potatione necauit. De quo ueneno prefatus eciam princeps aliquid refertur inscipienter gustasse. Neque enim regi, sed iuueni uenenum proposuerat ministrare. Attamen rex preoccupauit, indeque ambo periere.

Defuncto igitur rege Berthricio, quoniam pro malicia et iniquitate sua inter occidentales Saxones diucius remanere et regnare non potuisset, ultra mare nauigans cum innumerabilibus thesauris Carolum magnum illum famosissimum regem Francorum adiuit. Cui cum ante solarium multa eidem principi dona obtulerit, imperator ait: Elige, Ædburga, quem uelis de duobus unum; aut me aut filium meum. Stabat uero iuxta patrem filius eius Lodouicus, spectabilis adolescens, solario domus potenter innixus. At illa sine deliberacione stulte respondens ait: Si michi, inquit, eleccionis huius tribuitur opcio, filium tuum, in quantum te iunior esse dinoscitur, eligo. Cui imperator respondit et arridens ait: Si me elegisses, filium meum haberes: sed quia elegisti filium meum, nec me nec illum habebis. Dedit tamen illi Karolus magnus quoddam monasterium sanctimonialium feminarum in quo, deposito seculari habitu, et solo, sine iusticia uite aut mundicia, indumento sanctitatis assumpto perpaucis annorum spaciis ibi abbatisse functa est officio. Sicut enim irrationabiliter in patrio regno uixisse refertur, ita multo irrationabilius in aliena gente uiuere deprehenditur. Nam a quodam sue proprie gentis lenone constuprata et demum palam deprehensa, imperio Karoli de monasterio est eiecta. Que postea in miseria et paupertate maxima sese quoad uixit miserabiliter habuit: ita ut ad ultimum vno seruulo comitata et cotidie in summa egestate mendicans, turpiter et ignominiose in Pappia ciuitate indignam uitam indigna quidem morte finierit.

Ecce dilectissimi quomodo *iudicia dei abyssus multa*, ecce quam grauis et quam stricta in sanctorum nece patet uindicta, que in impiam generationem peccatis exigentibus merito extenditur, per quam scelus illorum et ignorancia diuina animaduersione punitur. Et sicut Moyses ait: *Generacio enim peruersa est et infideles filii*, iniquitas patrum sceleratorum in impia posteritate quasi ex traduce solet succedendo propagari. Unde infelix mulier de qua sermo predictus innotuit paternam tyrannidem et matris crudelitatem animo et moribus equans in reprobum sensum mundo detestabilis fuit. Sed ad cepta hiis prelibatis reuertamur.

xiv *De Edwino, qui Ledeburiam borealem martiri dedit, a continua capitis confusione liberato.*

(11). Sicut fidelis antiquitas posteritati reliquit, crebrescentibus circa martirii sepulcrique loca uirtutum et prodigiorum signis, rex Offa duos episcopos quibus precipuam fidem habebat ad inuestigandam euencium<sup>16</sup> istorum certitudinem Fernlegam, que nunc Herefordia dicitur, destinauit. Contigit autem virum quandam potentem et magnum, qui finibus Ledeburie borealis et Montis Gumeri necnon et aliis parcium illarum terris amplissimis dominabatur, ad locum eundem eadem hora causa recuperande sanitatis de passione quadam qua uexabatur per merita martiris aduenisse. Paciebatur enim continuam capitis concussionem, inde et ab euentu fortitus agnomen, Edwinus quatiens caput uocabatur. Qui cum nocte

<sup>16</sup> Sic.

eadem ad sepulchrum uiri sancti uigiliis et obsecrationibus deuote et humiliter deseruiret, demum diuina dispositione demisso capite parumper obdormiuit. Sed a sompno post pusillum experrectus et undique circumspiciens quesiuit a suis ubinam esset uir ille bonus qui caput ei dormienti liberaliter in gremio sustinuerat. Cum autem responsum accepisset quod neminem uidissent, audisset etiam a suis non mediocriter congratulantibus, quod et ipse quoque sanitate prestita senciebat, quod post dormicionem illam caput suum quiete et absque motu quolibet enormi iam regebat, statim exurgens deo et martiri Æthelberto Ledeburiam boriam cum omnibus integre pertinenciis suis laudabili munificencia largitus est dicens : quia rem de celo quam magis desiderabam, sanitatem scilicet, michi contulit martir insignis, et a me quoque re quam in terris plus dilexi, Ledeburia scilicet dignus est remunerari. Hec autem prima terrarum omnium, ut asserunt, fuit que beato Æthelberto collate fuerunt.

2). Rex autem Offa, tam de hiis quam de aliis multis uirtutibus iam certus et prodigiis, priusquam peregrinationes ita, ut diximus, arripisset, penitencia ductus et aliorum quoque fidelium exemplo prouocatus terras ut fertur plurimas circa Herefordiam martiri contulit, quas etiam ecclesia Herefordensis usque hodiernum diem tenet. Monasterium quoque sancti Albani et alia quedam egregia per Angliam cenobia fundasse fertur et dedicasse.<sup>17</sup>

[From this point the text is that of Vitellius E. vii. as given by the Bollandists, with the rubrics and important variants of the Trinity College MS. Hence the differences in orthography.]

(5). xv *De uirga Æthelberti que in arborem excreuit.*

Sicut dominus et saluator noster, karissimi, beatum martirem Æthelbertum ad sepulchrum eius miraculis et prodigiis glorificauit : ita quoque in diuersis atque remotis regni partibus eum diu signis coruscantibus<sup>18</sup> euidenter extollere non cessauit. Est etenim uicus in orientalium Saxonum provincia cui nomen Bellus Campus interpretatio dedit. In cuius praedio antiquitus lignea quaedam est basilica constructa et in honorem ac laudem beati Martyris Æthelberti domino dispensante feliciter erecta. In hac<sup>19</sup> tanta operatus est Christus et usque in hodiernum operari non cessat, quod tota orientalis regio signis et uirtutibus ibidem gestis olim fuerit illustrata, firmumque fidei gratia cooperante robur acceperit. Traditur enim, et antiquorum comprovincialium et authenticorum<sup>20</sup> testimonio certum habetur, Beatum Æthelbertum, cum ad Offam Merciorum regem iter corripisset, in eadem pulchra planitie pernoctasse, ibique noctis unius spatio tentoria sua fixa fuisse. Erat autem eodem in loco uirga quaedam gracilis et delicata, crescens e terra, tenerimis adhuc telluri radicibus innixa : in summitate uero ramis et frondibus paucis operta<sup>21</sup> cui forte<sup>22</sup> quaedam papilionis cornua funibus sunt alligata. In crastino uero, sole recens orto, tanta et talis est arbor inventa ac si pleno robore centum annorum curculis fixis ibidem radicibus excreuisset. Nec mirandum quidem, et, si forte mirandum, non uehe-

<sup>17</sup> ditasse *Brompton*.

<sup>18</sup> choruscantibus *Trin. Coll. MS.*

<sup>19</sup> + etenim.

<sup>20</sup> autenticorum.

<sup>21</sup> operata.

<sup>22</sup> fortes.

menter tamen obstupendum, si dominus de surculo tam modico pro militis sui gloria sub noctis unius spatio tantam arborem erexit, qui totam mundanam hanc machinam ex nihilo creavit, quique virgam electi sui Moysi pro ostendenda potentia sua in colubrum commutarit; rursumque serpente in virgam converso,<sup>23</sup> rubrum eadem mare divisit; quique sub noctis unius tempore virgam Aaron frondere et florere et amygdala parere imperavit. Multa nimirum in scripturis, ut ait Hieronymus, incredibilia reperies nec verisimilia, quae nihilominus tamen vera sunt. Nihil enim contra naturae dominum praevallet natura: nec detestari debet, sed admirari et <sup>24</sup> venerari creatoris opera quaevis creatura.

(16). xvi *De Basilica sancti Æthelberthi et cruce remota (bis) suoque loco iam tercio restituta.*

Cum autem audissent religiosi regni illius viri beatum Æthelbertum apud impias nationes iam martyrio coronatum, de arbore eadem in modum dominicae crucis lignum constituere venerandum. Ubi quamplures per fidei devotionem et martyris merita salute(-is) remedium sunt consecuti. Fixum est igitur illud eodem in loco quo gloriosi regis et Christi militis invicti fixum antea noverant esse tentorium, et basilica ibidem erecta est; ad quam quotidie plebs devota concurrens una cum clero, deum ac beatum martyrem suum sedulis orationibus, hymnis, et canticis glorificarent. Sepulta sunt ibi succedente tempore multa sanctorum corpora, qui ea tempestate qua sanctus Edmundus passus est, et paulo post, mortem pro Christo pertulerunt; ingruente nimirum per insulam barbarorum feritate paganorumque spurcitia saevitiaque, cunctaque Christi fuerant devastantium, tempore multo. Ceterum respiciente demum domino populum suum, pace per Britanniam ecclesiae reddita, vir quidam dives, quem praedicti ruris praedia jure hereditario contingebant, lignum salutiferum a loco removens, in viridi planitie quadam ante januam suam statui fecit: decreverat etiam beati martyris basilicam ad locum eundem transferre. Sed crucem illam loco suo nocte eadem virtus divina restauravit. Quo mane comperto vir ille lignum fecit iterum reportari: sed et eodem miraculo die sequente consternatus obstupuit, et tamen animo pertinaciter obstinato, cum ad idem jam tertio removendum accederet, priusquam eveheret oculorum caecitate divina ultione percussus est. Cujus infortunii casu poenitentia ductus, confessione presbytero facta, contritione pariter et compunctione adeo incontinenti correctus est, ut se numquam tanto facinori de cetero consensurum, seque beati martyris ecclesiam et crucem illam summopere veneraturum firma sponsione promitteret; prostratoque in terram ante crucem corpore, non ante surrexit quam per dei gratiam lumen oculorum indulta sanitate recepit. Hoc autem miraculo per provinciam audito, et tanta ultione divinitus data, coepit in tanta veneratione locus haberi, ut magnus a vicis circumjacentibus neonon et locis remotioribus, cum oblationibus et elemosynis ad crucem praedictam concursus fieret populorum: et coram eadem devote vigilantes et orantes salutis plerumque dona susceperent. Infantes quoque et pueri in cunis allati, per beati martyris suffragia

in fide parentum et devotione, passim a periculo liberantur : febricitantes vero, quasi speciali miraculo, tantam tamque efficacem nusquam locorum gratiam consequuntur.

- 17). xvii *De auleo furtim sublato et fure compresso, oculoque pauperis miraculose restituto.*

Contigit in eadem ecclesia miraculum insigne, quod inter cetera sua novitate non reticendum. Erat enim aulaeum quoddam olim ecclesiae fideliter oblatum; quod cum latro quidam nocte extrahere et exportare niteretur, perque foramen sub ostio factum ubi intravit; cumque cum furto pariter exire pararet, capite, cum humeris iam exposito, parte residua intra jacente, se tanto paries ad corpus pondere pressit, ut nec extra ullatenus progredi nec interius regredi valuisset. Uxor autem, suspectam habens viri moram, filium ad quaerendum patrem emisit: cui tandem ibidem invento nullum penitus liberationis praesidium praestare prevaluit. Parochiani vero cum ad ecclesiam in crastino mane solita devotione convenissent, latronem tam miraculose compressum et comprehensum vehementer admirantes, eumque extrahere volentes, absque difficultate qualibet ipsum per se libere egredi, ut ingressus antea fuerat, obstupuerunt; sicque factum est ut beati Æthelberti merita provincia tota laudaret, et a sacrilegis ausibus tam evidentis ultionis exemplo se pravorum temeritas refrænaret.

- 18). In pago orientalium Anglorum cui Statesella<sup>25</sup> vocabulum antiquitas dederat, cum dies passionis beati Æthelberti per singulos annos valde celebrius haberetur, pauper quidam arte sutoria vitam agens (quoniam attritae frontis est egestas, nec quidquam pudet dummodo vivat) solemnitatem minime custodiens pro explenda necessitate miser operi solito sollicitus intendebat. Quem cum uxor sua super hoc excessu saepius argueret, ipse tandem erga illam iracundiae furore permotus, dum minus ob hoc operi, magisque intenderet objugationi, dextrum infeliciter oculum acu sutoria perforavit. Qui continuo sancti implorans auxilium, ad ecclesiam ejusdem quanta potuit festinatione properavit: ibique confessione correctus et compunctione fufus aliquamdiu coram altari devotis orationibus, in ipsoque demum altari oblationibus expositis optatam cum multorum admiratione sanitatem recuperavit.

- 19). xviii *De milite sanctum Æthelbertum blasphemante diivinitus extincto.*

Manebat in confinio loci eiusdem in quo martyrisc ecclesia constructa fuerat, vir quidam Vitalis nomine qui ex Normannica gente oriundus extiterat. Hic martyrem nostrum innato inter Anglos et Normannos odio quasi tanto indignum honore ac veneratione reputans, uxorem suam die quodam purificationis suae ad aliam ecclesiam ire fecit, ibique solennes ritus ad victimam suae expiationis offerre. Quo completo remeando Vitalis cum domum militis cujusdam probitatis eximiae cui nomen Godiscalcus forte intrasset, domina domus ejusdem, Lecelma<sup>26</sup> vocata, quod ecclesiam sancti Æthelberti tam temerario contemptu declinare praesumpserat, instanter arguebat. Ille vero vesano spiritu torvus et quasi in amentiam versus, 'Prius,' inquit, 'uxorem meam praesepia boum

<sup>25</sup> Straatesella.

<sup>26</sup> Lecelina.

meorum adorare compellerem quam illum quem tu praedicas Æthelbertum'. Eoque dicto statim miserrimus ille repentino casu *in terram corruit et* <sup>27</sup> coram omnibus miserabiliter expiravit.

Ex quo patet quia sanctos suos dominus venerari vult in terris quos ipse quoque veneratione dignos iudicat et in coelis. Patet etiam quia non sit personarum acceptor deus, sed omnis nationis, omnis conditionis, qui credit in illum non confundetur, nam idem dominus omnium dives in omnes qui invocant illum: apud quem non est distinctio Judaei et Graeci, sed ex omni gente quicumque invocaverit nomen domini salvus erit.

Vitam igitur <sup>28</sup> sancti Æthelberti cum miraculis antiquis, longis autem <sup>29</sup> ambagibus rudique sermone congestam concanonicorum nostrorum instantia brevius admodum et dilucidius <sup>30</sup> explanavimus: noua miracula nostrisque diebus propinquiora <sup>31</sup> sancti eiusdem merita in Herefordensi ecclesia deo auctore patrata, cum a testibus fide dignis notis oblata fuerint domino propitiante tractaturi.

## II. THE PASSIO IN THE C.C.C.C. MS. 308.

[fol. 1a] *Incipit passio sancti ÆTHELBERHTI regis et martiris.*

Gloriosus ac summo regi acceptus rex ÆTHELBERHTVS regali prosapia oriundus a REDWALDO rege in east anglia regnante, cuius meminit sanctus Beda in anglorum hystoria, orientalium anglorum regno undecimo loco preluit. Genitor illius regni precessor rex magnificus ÆTHELREDVS extitit, genitrix regina LEOFRVNA alto sanguine progenita. Non hos regie dignitatis summa potentia ut crebro solet filios regni fecerat obliuisci quam ineffabilia sint gaudia celestia. Hec acquirere, hec possidere tota mente affectabant. Hinc ex gratia dei prole felici meruere beari quam pietas diuina ad salutem populi sui destinare dignata est.

Anno incarnate diuinitatis septingentesimo septuagesimo nono, ab adventu anglorum in brytanniam ccc<sup>o</sup> xx<sup>o</sup> ix<sup>o</sup> regis parentibus regia soboles nascitur, baptismi sacramento Christo renascitur. Ablutus aqua [col. 2] salutari nuptiali ueste induitur. Confirmatur dextra sacerdotali: sancti spiritus gratiam suscipit. Qua benigne preuentus ad omnium uirtutum incrementa in dies proficiebat. Puerili in etate nil puerile actitare dulce habebat, grauitas enim quedam morum que ei diuinitus innata fuerat nullatenus illum uanis substerni sinebat. Summa qua proderat ingenuitate cor illius extollentie peste minime uexante famulabatur domino in cordis timore quam Christi Ihesu amore decorabat.

(ii) *Quod patri suo successerit in regnum.*

Processu temporis paternum post funus clito inclitus ÆTHELBERHTVS heres regni factus est etatis quartum decimum tunc gerens annum. Electus et preelectus a domino regni sublimatur solio. Et ubi eum regnare preordinarat oriens ex alto deus? Non in occidentis sed in partibus orientis. Signans per hoc cognitor occultorum famulum suum deuotum ad ortum bonorum operum sedulo conscensurum.<sup>32</sup> Erat itaque [1 b] hic rex iuuenis forme elegantis, Deo acceptabilis, uirtute laudabilis, alloquio affabilis. Pius ac benignus ille, inquam, cui bis tinctus coccus diuinitus infulserat.

<sup>27</sup> om.

<sup>28</sup> om.

<sup>29</sup> longis ambagibus ante.

<sup>30</sup> lucidius.

<sup>31</sup> +per.

<sup>32</sup> cœnsurum.

- (iii) *Quod reginali iungi matrimonio rex cogitur a suis, ne illo sine herede defuncto regnum periclitetur.*

Quia vero nondum reginali conubio participarat, ueretur curie tota contio ne illo absque liberis de medio facto sub extraneo regimine redigatur. Vnde regi dant consilium, dignitate regia dignam accipere in matrimonium. Obstat ille tempore non modico, cor gerens sigillatum castitatis pudore. 'Deliberaram', inquit, 'libere seruire deo creatori meo, et ecce carnalis copule annecti uinculo persuadeor.' Instant optimates, ob fecunditatem prolis que ei hereditario iure succedat, initum consilium peragendum contestantes. Tandem consilii communis instantia rex uictus ait: 'Et quo talis perquirenda et reperienda reginale solium digna conscendere? Dignitas,' inquit, 'mea dignitas et [col. 2] uestra, consilio et prudentia regnum sustentari, fortitudine roborari, dum paterni regni heredem noueritis stirpe processisse regali.' O regis pietas laudanda. humilitas preconanda. Ne in aliquo regni periculo scandalum fiat suis, suorum iussis rex optemperat. Velle subditorum cedit, consilio credit. Rex regum hoc conspicit, et in cuius manu regum omnium cor consistit famulum suum deuotum in omnibus facit sibi pretiosum. Optimatum itaque consilio cedenti unus regi inquit. 'Australe regnum anglie, cui quondam iure regali quidam EGLAN nomine fuerat, noui rege carere. Non heres filius, quia nullus. Sola regnat heres uirgo filia uocabulo SYNDRYTHA,<sup>33</sup> uirgo speciosa, spectantium oculis gratiosa. Hanc regali thoro dignam fore censeo. Ergo regia conglobata curia uel militia rex australes in partes diuertat. Regnantium ibidem nemo qui resistat. Regnum que regit ultro se offer[re]t, immo cum regnoseipsam regi dedet.' Ad que rex: 'Huiusmodi consilium acceptarem, laudate uirginis speciositati me copularem, si patris eius precordia dudum nossem [2 a] sine fraudis macula subsistere. Nam cum patre meo rege ÆTHELREDO initum pacis fedus uirulente fraudis opere creberrime maculauit. Absit, inquam, absit ut dolosi generi consortio ullatenus iungar.' Ecce rex regum quem in odorem unguentorum suorum currere fecit, quem dextra pietatis suscepit, ne aliqua pro causa regnum alterius inuadendo diuine legis transgressor fiat, per omnia defendit.

Posthabito, licet in fide prolo, consilio unius, alterius uerbum rex prestolatur. Erat ei a secretis quidam OSWALDVS nomine. Hic regem affatus inquit: 'Insularum per orbem ut conicio huius maxime longitudinem et latitudinem perlustraui. Regnantium in ea gloriam et potentiam noui. Et, ut uideor mihi uidere, cunctis anglie regnis triumphale regnum mercede prestat. In hoc rex Offa nomine FHINCferthi<sup>34</sup> quondam merciorum ducis filius regnat, uir etatis prouecte, caput canicie circumfusus. Agitur nunc annus duodetricesimus ex quo mercensibus preesse ceperat. Reginae nomen KYNEDRYTHA, filie uero uirginis decore nomen est ÆLFPRYTHA. Hec uti res [col. 2] expostulat nobilitatis pro genere solium reginale sola conscendere digna.' Laudem mox omnium OSWALDI consilium captat. Cum regni optimatibus rex acceptat. Sola regina LEOFRVA mater uidua reprobat. Regem merciorum offam plurimo experimento plenum dolo pronuntiat. Mercenses omnino sine fide probat. Ne rex filius semini doloso se ammisceat maternis increpationibus obstat. At ille quod tota curia consulit, quod acceptat, licet

<sup>33</sup> Symbrytha Leland.

<sup>34</sup> I. THINCferthi.

eum maternus furor artissime mancipet custodie, fieri oportere proclamat. 'Merciam,' inquit, 'petere, merciam uidere inest cordi flagrans uelle, et ueluti necesse uidetur.' 'Vere, ut testaris, excelsi filii diuine maiestatis, uere et omnino necesse. Nam te cum idada<sup>35</sup> Iohanne uolantem<sup>36</sup> nubem iam Christus uocabit, beatissime indoli tue nuptias negabit, a carnali delectatione te alienabit, in misericordia et miserationibus coronabit. Sequi agnum [2 b] quocumque ierit, hoc felix premium tibi dabit. Erit siquidem quam ducere disponis regia uirgo filia pretiose necis tue causa. E contra uero mors tua insignis et famosa uirginis eiusdem erit famulandi deo incitamentum et forma. Quando uidelicet sanctissima innocentia tua dolis circumuenta cedetur, dei uero clementia pro martyrii uictoria mox in suprema gloria tripudiabit.'

- (iv) *Quod rex ÆTHELBERHTVS hostia dei futurus de orientali Anglia in merciam profectus sit.*

Per dei itaque prouidentiam gloriosus rex ÆTHELBERHTVS iter parat in merciam, hanc martyrii sui gloria totam illustraturus, scuto quoque meritorum perpetuo tuiturus. Sed ecce dum in conspectu omnium regium equum ascendit, terra dat motum, territat exercitum totum. Qui perterritus omnipotentem deum patrem inuocat, orat cernua prece ex diuina clementia et regi et sibi omnia prospera cedere. Attonita signo uidua mater regina fit anxia, fit dubia, utrum uita co[ol. 2]mite rex filius unquam redeat. 'Dei tamen,' ait, 'fiat uoluntas, fiat.'

Terre signo celi mox respondit signum. Sol per orbem radios spargens fulserat lucide, et ecce obscuratur toti curie medio in itinere. Densitas nebularum subito oborta itinerantes sese alterutrum uidere negat. Dumtaxat uocis per sonum quislibet alterum nouit. Obstupescit rex ÆÐELBERHTVS dum sic radiosus phebus obtenebrescit. Ad stupidam curiam clamare cepit. 'Genua,' inquit, 'flectemus: prece polum pulsemus ut nostri misereatur omnipotens deus.' Quid putandum fratres karissimi his signis prefiguratum? Regem sane gloriosum pro Ihesu Christi nomine martyrizandum, presentiarum luci subtrahendum, celestique gloria coronandum.

Uix oratione completa fit aura tota serena. Tunc hilaris effectus sanctus rex ÆÐELBERTUS ait. 'Sit nomen domini benedictum ex hoc nunc et usque in seculum.' Et subintulit. 'Itinerantibus non modica crebro leticia, dum illic diua poemata modulando recitantur. Ergo nobis qui ediderit carmina regia [3 a] armilla donabitur.' Nec mora, duo canendi prediti scientia in cordis leticia psallere ceperunt. Erant carmina de regis eiusdem regia prosapia. Quibus ille delectatus abstracta brachio protinus armilla modulantes carmina donat, dum repatriat plurima spondet.

- (v) *Quo modo rex AÐELBERHTUS ueniens merciam nocturna uisione uidit omnia que in mysterio uentura erant super eum.*

Summi patris preordinante gratia sanctus rex ÆTHELBERHTUS iam egressus de east anglia, uelut abraham patriarcha de terra et de cognatione sua, merciam uenit, ubi uiua hostia sancta, deo placens, offeretur, sicque repromissionis terram lacte et melle manantem cum corona martyrii

<sup>35</sup> i. e. Jedidiah (eo quod diligeret eum Dominus).

<sup>36</sup> *cod.* uolantem.

ingredietur. Hospitatur in regia uilla SVTVN nominata, ubi uisione nocturna in misterio cuncta uiderat que illi futura erant. Uidit namque per somnum aule regie sue tectum decidisse, camere macerias ruisse, hinc matrem reginam planctum planxisse, ex merore lacrimas profudisse, uestem quam induebatur [col. 2] sanguine madefactam fuisse. In urbis regie medio trabem longam et latam erectam in altum. De qua in parte orientali uelut ex incisione conspexit sanguinem defluxisse. Uersus uero austrum choruscam lucis columpnam in celum usque porrectam. Se ipsum in auem transfiguratum aureis alis expansis trabem totam obtegisse,<sup>37</sup> leui uolatu superuolitasse, et uelut a summe trinitatis throno dulci symphonia uocem audisse. Hec erat uisio. Cuius coniecturam dum a familiari suo prefato quereret OSWALDO, respondit ille uoce sicut preoptarat corde: 'In dei patris' inquit, 'misericordia, rex, tibi prospera contingent omnia.'

(vi) *Quod rex AðELBERHTVS regem offam salutem et dignis muneribus donat.*

Beatus rex AðELBERHTVS, hostia uiua, hostia sancta, hostia deo placens perfecta futurus, haud longe morantem regem offam dignissimis muneribus donat. Refertur gratiarum actio, sed in dolo. Nam idem rex [3 b] offa falso rumore dudum auribus hauserat regem orientalium anglorum sanctum ATHELBERHTVM merciam hostiliter penetraturum, regnumque suum inuasurum. Vnde in animo dolorem susceperat. Et iam gladium uibrabit, arcu tenso sagittas parabit, ut innocentem manibus, mundum corde, in uano non accipientem animam suam, nec iurantem in dolo proximo suo penitus extinguat ni celerius repatriat.

(vii) *Quod insidiis regis offe et regine kynebrythe rex ATHELBERHTVS capitur, affligitur, et demum a perfido Winberto capite plectitur.*

Orbi illapsus dies illuxerat, et rex ad regem properat. Rex in innocentia sua cum omnibus pacem gestans ad regem in doli malicia in insontem dolos machinantem. Casu fortuito cum regis offe optimatibus regis filia prefata alfthrutha in solario consistebat. Aduentantem in magna gloria regem prospectans, festinat matricum regine indicat. 'Ecce,' ait, 'rex uenit ATHELBERHTVS, rex iuuenis, statura procerus, totus gloriosus. Et, [col. 2] ut uidetur, regi patri meo preferri per omnia dignus.' Laus huiusmodi filie fit matri non modice stimulatio ire. Intrat mox ad regem regina, quem ita protinus affatur: 'Quem, o rex, olim auribus hausisti rumor nunc extat uerus: ecce stipatus militum manu rex AðELBERTUS uenit. Ecce regia menia subintrat, filiam tuam uelis nolis in coniugem accepturus: si maturius tibi non precaueris, regnum inuadet, regno te expellet. Surge et tibi tuisque consule: licet dimidium regni sponde ei qui illum neci tradat.' His male suasoriis uerbis rex accensus, copiam magni census promittit quicumque regem AðELBERHTVM dolo circumueniat, regiumque cubi(cu)lum ingredi decipiat. 'Dubio procul,' inquit, 'experietur AðELBERHTVS quam glorioso triumpho rex offa premineat.' Ilico regalia promissa instimulante auaritia cor penetrat unius cui Winbertus nomen erat. Qui regi assistens ait in secreto: 'Facilius nemo quam ego, o rex, tua peraget iussa. Nouit me rex AðELBERHTVS, de me uelut de fidelissimo

<sup>37</sup> Sic

sibi certus erit. Meis uerbis credet, consilii [4 a] cedit. Quindecies anni iam euoluta orbita in patris illius curia dudum principabar. Patratum a me homicidium ad te, o rex, confugium eligere me compulit. Ergo regia mandata peragantur dum a te promissa persoluantur.' Dixit, et adventanti regi innocenti et simplici uiro dolo plenus occurrit. Salutatur lupus agnum, deo agno mox immolandum. Aduentum illius fictis acceptat laudibus. Rex sanctus equo descendit. Cui ille non pacis osculum, sed ut domino Ihesu iudas proditor, basium offert. Ad quem rex; 'Ad famosi regis merciorum offe ueni colloquium. Nam dudum animo conceperam pacificum cum eo consortium habere. Nunc igitur conferendum (sic) cum eo locum et tempus quero.' Respondit Winberhtus: 'Sero per internuntium tuum, o rex, aduentum ille prenouit. Testabatur fore sibi dignissimum regem orientalium anglorum regem merciorum uelle uisitare. Et adiecit "Quodcunque a me petierit prorsus obtinebit." At hodie minutus est sanguine.'

O Winberhte dolose, cur uerbo subtrahis uerbum? Rex inquis [col. 2] minutus est sanguine. Subinfer. Quin etiam, domine mi rex Æ., de tua tractat pernicie. Et si non sanguine ut esse testaris, ob mentis tamen liuorem rex minutus est dei gratia, que in glorioso martyre Christi sancto ÆÐELBERHTO plenius redundarat dum per martyrii uictoriam summe beatitudinis gloriam nancisci promeruit.

Denuo rex beatus ATHELBERHTVS. 'Ad regem' inquit 'offam intremus.' Respondit Winberhtus: 'Haud conuenit quempiam gladio accinctum tempore pacis ingredi ad regem. Ergo, rex, arma depone, sicque cum patriciis<sup>38</sup> ingredi.' Tunc ille in innocentia cordis spoliatur se gladio quo accinctus erat, dolisque pleno Winberhto dedit. Cum paucis nobilibus rex sanctus ad regem in maligno positum ingreditur. Regia clauditur porta. Ilico hinc et inde insidie prorumpunt. Rex innocens capitur, uinculis artatur, grauissima afflictione affligitur. Demum proprio gladio a Winberhto capite plectitur [4 b]. Sic innocenter peremptus in terris rex et martyr gaudia regni celestis conscendit.

(viii) *Quod ob impiam necem sancti martyris Æ. regis offe uirgo filia doluerit seseque mancipandam dei seruitio uouerit.*

Stat regia uirgo ælfthrypa: regem extinctum spectat: hinc cruoris lacrima suspirat. Et corpore licet extinctum, spiritu tamen eterne glorie tegi nil dubitans credit. Qua credulitate et sese et laureati militis Christi lugentia militum agmina consolatur. Materno consilio patratum scelus exhorrescit. 'Quid' inquit, 'genitrix impia, sic in innocentem insanitis? In defendam cunctis bone indolis iacturam linguam dolosam exacuisti, quam in proximo iusto dei iudicio morsibus dilania(bi)s. Iam effusus sanguis innoxius imminentem tibi interitum minitat. Nuntiorum nullus ad me ulterius ingredietur, nuntians de sponsi alicuius complexibus. Uirginitatis decus insigne uirginitatis amatori sponso deo offeram. Cuius fauente gratia ea que [col. 2] retro sunt oblita, ad ea que in ante sunt me extendens sequar ad palmam superne uocationis. CRVLAND insulam adeundam censeo, ubi uniuersorum domino anachoretica conuersatione deseruiam. Propitiantie diuina pietate uideam gloria et honore coronatum in celis quem deplango dolo peremptum in terris.'

<sup>38</sup> *cod. patjcis.*

Sic ut prefati sumus, sancti martyris ÆÐELBERCHTI mors pretiosa in conspectu domini fit uirgini famulandi deo incitamentum et norma<sup>39</sup>. Omnis igitur merciorum regio tam innocentis et beati uiri insignita martyrio tripudiet. In cordis iubilo dominorum domino concinat. Suo rege, suo domino, immo tam glorioso martyre dolet uiduata orientalis anglia. Iugique sederet in tristitia, si pretiosi martyris EADMVNDI non illam consolaretur presentia nec beata suffragarentur merita. Iam in oriente miraculis choruscat idem beatissimus uir EADMVNDVS, in occidente uero omnibus inuocantibus eum in ueritate iugi patrocinio suffragatur rex et martyr sanctus ÆÐELBERCHTVS. Cuius, ut prefati sumus, miracula plurima [5a] que per eum diuina peregit clementia, sicut uitam sanctam et passionem illius beatam, sic litteris tradere maiorum negligentia omisit. Nos uero qui in Christi Ihesu domini nostri fide consistimus uere credimus meritis tam pretiosi et innocentis martiris crebro restitui cecis uisum, surdis auditum, claudis gressum, et omnibus infirmis optatam conferri salutem.

Passus est autem beatus ÆÐELBERCHTVS anno etatis sue XIII<sup>o</sup>, die dominica XIII<sup>o</sup> Kl. Junii Indictione ·1·, anno ab incarnatione domini DCCXCIII<sup>o</sup>, a passione uero DCLXI<sup>o</sup>, ab aduentu anglorum in brytanniam CCCXLII<sup>o</sup>. Cuius gloriosa intercessio optineat nobis ueniam omnium delictorum, prestante domino nostro Ihesu Christo, qui cum patre uiuit et regnat, imperat, necnon et gloriatur solus deus, cum sancto spiritu, per omnia secula seculorum. Amen.

(ix) *Quod sanguine laureati regis curia mesta redierit in sua.*

Impia nece beato rege ÆTRELBERHTO preempto nobilium suorum curia secum in merciam pacifica profectioe conducta mestificatur [col. 2]. Et iam in uindictam domini sui fortasse conspiraret, si in martyrizato Christi milite magis crudelitas quam pietas regnaret. Nullatenus martyr innocens et pius sinit a suis necem suam uindicari per quam eterna gloria coronari meruit. Unde bello uacua extincti regis curia in sua redit. De cuius crudelissima nece matri regine nuntiant. Quis uel quantus dolor putandus, qui inopinate materna penetrauit uiscera? Planxit planctum magnum super filium, sed aderat celitus non modica consolatio quoniam persenserat eum ad Christum migrasse per gloriosum martyrium.

(x) *Quod iussu regis offe sancti martiris corpus in cenosum locum proiectum prefulgide lucis indicio declaratum est.*

At innoxii sanguinis effusio fit ad tempus offe regi exultacio mentis. 'En' inquit, 'iacet extinctus rex ÆÐELBERHTVS. Iam sopientur insidie quibus me a regno iure hereditario possesso expellere molitus est.' Iussit itaque summa sub celeritate sancti martiris [5 b] corpus cum capite efferri et iuxta ripam fluminis quod lugga dicitur mediam in paludem proici. Quod dum agerent ministri, mirantur de leuitate corporis, quod in gestando nil omnino ponderis sentirent. Unde, si hos regia non terreret censura, minime peragerent iussa. Uicit uero cordis pietatem regius terror, qui iuxta sententiam Salomonis est uelut rugitus leonis. Itaque beati martyris corpus proicitur in paludem prope ripam lugge fluminis. At quam celsi meriti fuerit lucis filius, Christus, qui uera lux est, eadem sub

<sup>39</sup> Above the line is written uel forma.

nocte monstrare dignatus est. Nam ab eodem loco ad celum usque porrecta uisa est resplendere fulgide lucis columpna. Quo attoniti signo qui uiderant laudes domino proclamant. Meritis gloriosum sanctum martirem predicant ÆTHELBERHTVM.

(xi) *Quod rex offa ductus penitencia per totum regnum decimationem fieri iussit.*

Attonitus et ipse rex offa nouitate miraculi magnificum testem Christi cum palma [col. 2] martyris iam intrasse in gaudium domini sui animaduertit. Hinc conscius patrati sceleris cepit timere sibi, ductusque penitencia per regni fines mandat regalia maneria decimari. 'Quis scit' inquit 'si diuina maiestas fiat propitia et debitam ultionem in me minime exerce(a)t?' Itaque per totum regnum edictum regale celerem effectum consequitur. Fit rerum omnium decimatio, ut tali complacata mercimonio prospicientis de excelso sancto suo cunctis dei miseratio proueniat.

(xii) *Qualiter rex sanctus martyr ÆTHELBERHTVS cuidam in uisione apparuit et ubi sanctum corpus suum proiectum fuerat reuelauit.*

At ne pretiosam margaritam diu cenosi loci obscuritas obtegeret, magis autem omnibus qui in domo sunt luceret, tertia peracte passionis nocte cuidam uiro berhtfertho nomine, qui dudum regis offe cubicularius extiterat, nocturna uisione se reuelat, uultu glorioso, uultu splendido, et in signum martyrii uultu roseo apparens et dicens 'Surge, surge, berhtferthe, surge curiose et nescius more ad ripam [6 a] fluminis lugge impiger tende. Ibi absconditum diligenti inquisitione quere thesaurum. Iam celo triumphat spiritus cuius ibidem preclarissime lucis indicio reperies corpus.'

His monitis pretiosi Christi martyris expectatus Berh(t)ferthus ubi lumina somno uacuantur luce circumfusa camere interiora spectat. Et dum intenta oculorum acie intenderet luci, uisum sibi est uidere qui paulo ante per uisum apparuerat uelut limen domus tunc excedentem et corporee licet indigne pausatibus locum cum lumine petentem. Ilico surgens auctori lucis sacrificium laudis immolat. Et mox quandam Ecgmundum nomine somno excitans, utrum claritatis celo delapse conscius fuit inquit. Quo respondente tante rei se inscium fuisse. 'En,' inquit, 'rex ÆTHELBERHTVS uti fas est credi, heres regni dei factus est. Innocenter peremptus in terris ostense lucis signo ecce in celis triumphat. In sancta uisione paulo ante mihi astitit, ex uelle diuino mandauit ut pretiosi corporis sui glebam de cenoso quo indigne pausat loco leuarem et a [col. 2] sordibus abluerem; ablutum uero corpus binis iunctus bobus carro imponerem, et ad locum qui FERNLAGE dicitur propter ripam fluminis WÆGE situm deferrem. Ubi sanctarum suarum reliquiarum presentia uniuersa testabatur restauranda fore et renouanda et in maiorem quam prius gloriam commutanda. Eundem etiam locum in gloria laudis diuine magnificandum et meritorum suorum insigni beatificandum. Ergo mandata pretiosi martyris Christi peragere accingamur, ut benigne intercessionis illius participes fieri mereamur.' Cedit uerbis Ecgmundus que persuadet fidelis Berhtferthus. Accelerant ambo sui que presentiam designato protinus conferunt loco. Quem fidelis animi sagaci industria perrimantes reperiunt thesaurum magnum et pretiosum, beati uidelicet martyris ÆTHELBERHTI corpus sanctum, capite truncum, cenose paludis sorde maculatum, sed desuper

emisse lucis indicio declaratum Quod non modica mentis alacritate loco extrahentes [6 b] aqua fluminis abluunt, cuius animam super niuem dealbatam iam thronum celestis glorie conscendisse nouerant. Ablutum corpus pannis obuoluunt, deuotum obsequium pro posse uirium martyri impendunt. Caput uero sanctum, quod peccatoris oleum non impingauerat, diu quesitum tandem pia deuotio querentium repperit. Quod etiam binis adiunctis bobus cum corpore uehiculo imponunt et ad designatum deferre cepere locum. At non casu fortuito, sed sic preordinante domino, in loco qui LVDA dicitur caput carro decidit. Vbi nec mora beati martiris merita clarescunt.

(xiii) *Quod reperto sancti martyris capite cecus lumen receperit.*

Quidam namque egestate simul et cecitate undecim annorum spatio misere percussus, sensu dumtaxat gressus regente, per id loci dubium carpebat iter. Et cum substantiali<sup>41</sup> progrediens baculo ad sanctum caput uelut ad quoddam obstaculum pedem offendit, ilicoque subsistere cepit. Cupiens uero dinoscere quid in uia obstaret progressui, inclinatur, palpat, et quod [col. 2] corporeis nequit, mentis oculis discernit. Celitus enim inspirata sibi dinotione, caput hominis esse persentit et nullius alterius quam illius cuius animo perceperat per eandem uiam uehiculo deferri corpus. Mox humi flexus caput sanctum solo eleuat et in fide exclamat; 'O sancte' inquit 'ÆTHELBERHTE, te rex offa impia nece peremit: propitius michi miserere pioque interuentu lumen oculorum mihi redde.' Mira clementia omnipotentis dei, magnum meritum regis et martyris dei! Ecce dum in fide cecus caput sancti manibus amplectitur, dumque suffragium petit, redditur illi uisus. Fit itaque salutis medicamentum pretiosum coram deo sancti martyris ÆTHELBERHTI meritum.

(xiv) *Quod cecus recepto lumine repertum a se caput sanctum ad corpus detulerit.*

Recepto lumine cecus totus exhilaratus deo gratias egit, et quid inuenta pretiosa margarita ageret secum tractare cepit. Tandem, diuine maiestatis uelle sic disponente, sanctum caput ad corpus sanctum referre dignum duxit. Subsequitur itaque festinus cum capite minantes carrum [7 a] cum corpore. Quos fatigatos ex itinere in loco quem Sceldwica nuncupant incole offendit. Et elata protinus uoce: 'Subsiste,' inquit, 'BERHTFERHTE, subsiste: fero manibus munus auro et topazion et cunctis opibus pretiosius. Munus sane uirtuosum, quo amisso lumine celitus redonatus sum, annis undenis exactis illapse cecitatis. Tanti spatio temporis radiosa lux solis absens oculis erat. Duplici siquidem miseria percussus me quis uideret. Cecitatem namque subsecuta luminaque miserum me rerum omnium inopia uexabat. Verum miserie mortalium releuatricis et consolatrix dei patris misericordia mihi repente superuenit. Nam per uiam incedens dextra quadam fortuna ad sanctum caput pedem offendi, dumque in fide suffragium petii, uisum recepi.'

(xv) *Quod beati martyris Æ. corpus a berhtferhto cui in uisione apparuerat sepultum sit.*

Tali nuncio territus berhtferhtus cum socio inopinatum casum capitis de carro miratur. Sed hoc diuino gestum iudicio animo retractat. Lumine

<sup>41</sup> Sic.

quidem priuato ad remedium, ad beati uero martyris declarandum meritum. Hinc cordis uocisque in iubilo laus domino concelebratur. Ubi autem ad locum sacra dudum reuelatione martyris eiusdem declaratum peruentum est, corpus sanctum sepulture traditum est. At quod ibi recondebatur in matris omnium uisceribus quanta glorificatione dignum foret, omnibus celitus patefactum est. Singulis namque momentis prefulgide lucis (columna) desuper effulgere uisa est. Hinc in breui idem locus in magna ueneratione cepit haberi. Confluxit undique fidelium pars non modica exorans prece intentissima per illius sancta merita ab omni incommodo liberari. Uideres sepius egris quamplurimis refusam ibidem optatam salutis gratiam.

Erat in longe remotis partibus terre regio coronatus diademate quidam Milferhtus nomine. Cuius palatio iam nouum et insigne preconium intonuerat, quod sanctus [7 b] rex martyr ÆTHELBERHTVS multorum signorum indicio ante regem seculorum dominum in supernis triumpharet. Mox eundem magnificum Christi testem pio complexus amore, cupit dum imperet illius sancta intercessione prosperis successibus regnum pollere. Accitotique qui erat ei a secretis presule, mandat ut locum quo martyris egregii pausant reliquie citus adeat, et perdiscat si res sic se habeat quo modo preconante fama audierat. Complet regia presul mandata, illoque ueniens repperit locum miraculis choruscantem, plebem tripudiantem, summeque trinitatis magnalia que in sancto suo operabatur laudis in gloria preconantem. Unde rumorem qui dudum regalia compleuerat atria, quod omnino uerus extiterat, omnibus manifestat. Regia dehinc munificentia ad construendum ibidem monasterium locum eundem ditat. Erat, ut prefati sumus, isdem locus olim temporis [col. 2] a terre incolis FERNLAZE dictus. Posterio nomen mutauerunt, eundemque locum HEREFORD mystica significatione nuncupauerunt. Siquidem hereford patria lingua exercitus uadum sonat latina. Et cuius rogo uadum exercitus? Nimirum illius quem sanctarum reliquiarum suarum presentia speciali sane patrocinio tuendum, rex sanctus et martyr ÆTHELBERHTVS possidet. Qui suus, inquam, exercitus, plebs uidelicet dei, licet huius magni maris fluctibus, mundi scilicet turbinitibus, quassetur, per uastum uadum, magnum uidelicet meritum illius, transiens iter undose profunditatis, ad portum eterne salutis quandoque perueniet.

Ecce, rex sancte et martyr gloriose, in celesti palatio gloriaris cum domino. Uictoriosus martyrum et roseis consortus agminibus, ineffabili iocunditate in ligno uite epularis. Cuius ad thronum glorie sanguine laureatus assistens, ad hoc pietatis ASILUM confugientium et ad te clamantium [8 a] preces admitte, et pro omnium salute apud summe et indiuidue trinitatis clementiam intercede. Sancte tue passionis diem festiue celebrantes pia interuentione ad festiuium et sempiternum subleua gaudium. Ubi tecum et cum sanctis omnibus coram Christo in perpetuum gaudeant qui hic tue sancte festiuitati mente deuotissima congaudent. Quod ipse prestare dignetur qui trinitas in unitate et unitas in trinitate perfecta uiuit et regnat per secula DEVS.

Explicit passio sancti ÆTHELBERHTI Gloriosi Martyris.

*Two Southern Sokes in the Twelfth Century*

THE two charters printed at the end of this note were acquired by the British Museum in 1903 among the documents belonging to the family of Aston, of Aston Hall in Runcorn, Cheshire. The first of them contains more than one unusual feature. Of the grantor, Amicia, countess of Leicester, very little is known. Her parents, Ralf de Wader, earl of Norfolk, and Emma, daughter of William Fitz-Osbern, were married in 1075, and Ralf, Amicia's father, died before July 1098; hence Amicia was certainly older than her husband, Robert Bossu, earl of Leicester, who was not born till 1104. She appears as witness to the second charter printed below, and attests another charter issued by her sister-in-law, Isabel, countess of Northampton, and Simon, her son;<sup>1</sup> but in the confirmation of these grants by the earl of Leicester, a document assigned by Mr. Round to the years 1155-9,<sup>2</sup> Amicia's name does not appear. Since this confirmation is witnessed by Petronilla, the wife of Robert, the earl's son, by Isabel, countess of Northampton, and by Hawisa, countess of Gloucester, and Margaret, the daughters of Amicia, one may fairly assume that Amicia herself was by this time dead or withdrawn from the world.<sup>3</sup> Hence both the charters included in this note were certainly granted before 1159.

The names of the witnesses contain nothing inconsistent with this. Many of them recur in the attestation clauses of other charters which may be assigned to the years 1150-60, and it is probable that both the charters printed here fall within the earlier part of this period. The handwriting and general appearance of Amicia's charter suggest a date very little later than the year 1150.

Of the ten witnesses to Amicia's grant two recur in the second charter printed below in company with six others. Of these sixteen people Geoffrey 'Abbas', William Burdet, and Roger de Cranford occur together with Amicia and Richard, abbot of Leicester, as witnesses to the grant, cited in the text, by Isabel and Simon her son, which must be dated 1153-9, since it was issued after the death of Earl Simon of Northampton in 1153.<sup>4</sup> Richard Mallorie and Roger de Granford attest a charter of Hildebert, abbess of Fontevrault, probably granted 1150-5, certainly before 1159, at which date Hugh Barre, who is also a witness, was no longer arch-deacon of Leicester.<sup>5</sup> Ernard de Bosco, Geoffrey 'Labbe', Ivo de Harecurt, and Roger de Cranford attest a charter which may be assigned to the

<sup>1</sup> Add. Chart. 47629.

<sup>2</sup> *Calendar of Documents preserved in France*, no. 1062.

<sup>3</sup> According to Knighton, who may reasonably be followed on a point of Leicester tradition, Amicia became a nun at Nuneaton: *Chronicon*, ed. J. R. Lumby, i. 62, 63, 147.

<sup>4</sup> Add. Chart. 47629.

<sup>5</sup> Add. Chart. 47619.

years 1155-60, granted by Cecilia, widow of Robert de Vaudari.<sup>6</sup> Reginald de Bordinneio and Geoffrey 'Abbas' witness a grant by Henry, duke of Normandy, to the earl of Leicester in 1153.<sup>7</sup> Ernald de Bosco, Robert de Creft (Croft, co. Leicester), Roger de Granford, and William Burdet witness another charter of Earl Robert's, placed by Mr. Round between the years 1152-67.<sup>8</sup> Ernald de Bosco, Richard de Teverai, Roger de Cranfort, Reginald de Bordigni, and Geoffrey 'Abbas' are witnesses to an exchange made by Earl Robert with the house of Chaise Dieu of land in Attleborough and Eton for land in Wolvey (*Oluei*, Warwickshire, D.B. *Ulueia*).<sup>9</sup> This charter must have been issued before 1159, since the land in Attleborough is confirmed to La Chaise-Dieu in the confirmation already quoted.<sup>10</sup> William Burdet, Roger de Cranford, and Richard Mallore are witnesses to a grant by Robert de Creft to Nuneaton, which must have been made 1155-9, since Ralf Basset witnesses, but not as sheriff of Leicester, an office which he held between the years 1159-62, and it is also witnessed by Matthew, 'the chaplain of the countess'. Matthew seems to have been Amicia's chaplain: hence the charter was presumably issued before Amicia had departed from the world.<sup>11</sup> Roger de 'Carnerford' witnesses a charter of Ralf de Turevilla, which the appearance of Hugh Barre as archdeacon, and of Matthew, chaplain of the countess, dates 1150-9.<sup>12</sup> Robert de Cresset (= Creft), Roger de Granford, and Richard Mallore witness the confirmation by the earl of Leicester, already cited, which Mr. Round dates 1155-9.<sup>13</sup> William Burdet, Ivo de 'Harewecort', Roger de Creft, Roger de Cranford, and Richard Mallore witness a grant by Hugh, son of Richard, which was made when Ralf Basset was sheriff (1159-62); but since it is witnessed by Matthew, the countess's chaplain, it probably falls before 1160.<sup>14</sup> Ivo de Harecort, Robert de Craft, and William Burdet witness a charter of Robert, earl of Leicester, which was granted while William Basset was sheriff (1162-70), probably in the earlier part of his period of office.<sup>15</sup> Richard Mallori, Roger de Cranford, and Geoffrey 'Abbas' witness with Isabel, the countess, wife of the grantor, Gervase Paganell, a grant of the mill of Inkpen. This charter is certainly after 1153, the date of the death of Earl Simon of Northampton, and probably falls between the years 1160-70.<sup>16</sup> The fact that with the exception of Ernald de Bosco these witnesses do not appear as attesting any of the charters which I have read granted by Robert Blanchmains is an additional argument for the early date of the two charters here printed. The name of Ernald de Bosco proves nothing, for it was borne by three successive members of the same family. But the most cogent reason for assuming an early date for the first charter printed below is the fact that Gilbert de Vernet, Adam de Ros, Richard de Teverai, and Simon de labelveisinere

<sup>6</sup> Add. Chart. 47600.

<sup>7</sup> Round, *Cal. of Doc.*, no. 1279.

<sup>8</sup> *Ancient Charters* (Pipe Roll Society, 1888), p. 61.

<sup>9</sup> It is wrongly identified with Olney, Buckinghamshire, in the *Catalogue of Additions to the Manuscripts in the British Museum, 1900-5*.

<sup>10</sup> Add. Chart. 47382. Cf. *Cal. of Doc.*, no. 1062.

<sup>11</sup> Add. Chart. 48299, which is a thirteenth-century copy of the lost original.

<sup>12</sup> Add. Chart. 48038.

<sup>13</sup> Round, *Cal. of Doc.*, no. 1062.

<sup>14</sup> Add. Chart. 48137.

<sup>15</sup> Add. Chart. 48086.

<sup>16</sup> Add. Chart. 47424.

witness with Robert, earl of Leicester, Amicia his wife, and Robert their son a charter of Ernald de Bosco addressed to Alexander, bishop of Lincoln, who died 1147.<sup>17</sup>

The existence of a Dorset soke in the middle of the twelfth century, and that a soke rendering payments in ounces of gold, is an interesting fact. In the Exchequer Domesday we read of Wimborne :

Rex tenet Winborne et Scapewic et Chirce et Opewinburne. Rex tenuit Edwardus in dominio. . . . Hoc manerium cum appendiciis suis reddit firmam unius noctis.<sup>18</sup>

These lands, which passed to Robert, count of Meulan, father-in-law of Amicia, countess of Leicester, by gift from Henry I,<sup>19</sup> are spread over a considerable area. Shapwick, More Chichel, and Wimborne St. Giles are respectively some five, five and a half, and eight miles from Wimborne Minster. They are in fact scattered hamlets, analogous to the members of the northern sokes. The analogy may be carried still further ; for the northern sokes were generally held by persons of very high rank, even as Wimborne was held by the earls of Leicester. Moreover, in the north it was common for the lord of the soke to grant charges on the rents of the soke<sup>20</sup> in favour of some religious house, as Amicia does. The rent of thirty-six shillings bears no relation to the *firma unius noctis* of £104 at which Wimborne was assessed in Domesday. The most interesting feature in this rent lies in the direct evidence it affords of payments in weighed gold in the middle of the twelfth century.<sup>21</sup>

References to rural sokes south of the Thames are extremely rare.<sup>22</sup> A contemporary estate of this pattern is revealed in the second charter, printed below, by which Robert, earl of Leicester, Amicia's husband, grants to the abbey of Fontevrault ' xxv libratas terre in Keneteberia et in soca Hungreford ' in Berkshire. Hungerford is not mentioned in Domesday, but in a charter of approximately 1101-18 Robert, count of Meulan, refers to Hungerford in a grant of the adjacent manor of Edington to a religious house at Beaumont.<sup>23</sup> Hungerford and Edington are within a mile of one another, and since Edington was included

<sup>17</sup> Harl. Chart. 84, H. 45.

<sup>18</sup> fo. 75 ; cf. *Exon. Domesday*, fo. 27.

<sup>19</sup> Eyton, *Key to Domesday, Dorset*, p. 89 ; cf. Hutchins, *History of Dorset*, iii. 233.

<sup>20</sup> Stenton, *Types of Manorial Structure in the Northern Danelaw*, p. 31.

<sup>21</sup> In a St. Neots Cartulary, Cott. Faustina A. iv, fo. 88 b, a charter is preserved by which Robert, earl of Leicester, confirms to the church of Saint Nigasius of Meulan one ounce of gold in Thurmaston, Leicestershire, which Amicia his wife had formerly given. Cf. *Monast. Angl.*, vi. 1030 and 1093.

<sup>22</sup> In a series of documents of 1173 printed in *Sarum Charters and Documents* (Rolls Series), pp. 37-8, reference is made to lands in sok, sochagio, or socha Poterne et Caninges (Potterne and Cannings, in Wiltshire.).

<sup>23</sup> *Calendar of Documents*, no. 369.

in the royal demesne in 1086, and both places were later in the hands of the earl of Leicester, one may reasonably assume that the royal demesne included Hungerford, which, as Mr. Round suggests, may have grown to importance subsequent to the grant of those lands to the count of Meulan.<sup>24</sup> It is highly probable that the twelfth-century appearance of Hungerford and Wimborne as sokes may be due to their original inclusion in the royal demesne.

DORIS M. PARSONS.

## I

<sup>1</sup> Notum sit omnibus sancti dei ecclesie filiis . quia ego Amicia comitissa Leigrecestrie . beneplacito dei 7 assensu domini mei Roberti comitis Leigrecestrie . dono 7 concedo deo 7 beate Marie de Casa dei <sup>2</sup> . 7 dominabus ibi deo seruientibus . xxxvi . solidos . quos habebam in Socha Winburnie in unciis<sup>3</sup> meis auri . Hoc autem dono ut deus sanitati 7 incolumitati domini mei 7 mee . 7 puerorum nostrorum sit prouisor . Et eciam pro salute propinquiorum 7 omnium amicorum nostrorum et eciam pro animabus patrum 7 matrum nostrorum . 7 omnium antecessorum nostrorum . Quare uolo et precor ut predictae famule dei hanc prefatam elemosinam bene . 7 in pace . 7 honorifice & quiete . teneant . testibus . Erinaldo . de Bosco . Roberto . de Craff . Reginaldo de Bordigni . Gileberto de Vernet . Ricardo Mallore . Ada de Ros . Rogero de Cranford . Ricardo de Teuerai . Willelmo de Bordigni . Simone de labelueisnera ;

## II

<sup>4</sup> Robertus . comes Legrecestrie . archiepiscopo Cantuariensi . 7 episcopo Sarisburiensi . 7 omnibus prelatis sanctę ecclesię . 7 baronibus suis . 7 omnibus hominibus suis . Francis 7 Anglis . salutem . Sciatis me dedisse 7 concessisse in perpetuam elemosinam deo 7 sanctę Marię 7 ecclesię Fontis Ebraldi . xxv . libratas terrę . in Keneteberia 7 in Soca Hungreford' . ad faciendum conuentum' de monialibus eiusdem ecclesię . Hoc autem feci pro salute animę regis Henrici . pro anima patris mei Roberti comitis Mellenti . 7 Isabel matris meę . 7 antecessorum meorum . 7 pro salute mea 7 uxoris meę . 7 infantum meorum . Quare uolo firmiterque precipio . quod ita bene 7 in pace 7 honorifice 7 libere 7 quiete teneant eadem ecclesia 7 eiusdem ecclesię moniales hanc elemosinam . quietam 7 liberam ex omnibus exactionibus . in bosco 7 plano . in pratis 7 pascuis . in agriculturis 7 aquis . in viis 7 semitis . cum omnibus rebus 7 libertatibus ei pertinentibus . sicut elemosina liberius tenere debet 7 melius . Testibus . Guillelmo comite Glocestrensi . 7 Amicia comitissa Legrecestrie . 7 Roberto filio comitis . 7 Gaufrido Marmion . Guillelmo . de Ferrariis . Erinaldo de Bosco . Gaufrido abbate . Guillelmo Burdet . Ivone de Harecurt . Reginaldo de Borden' . Ricardo filio Radulfi . Apud Wintoniam .

<sup>24</sup> *Victoria County History, Berkshire*, i. 314.

<sup>1</sup> Add. Chart. 47381.

<sup>2</sup> The Beaumont foundation (c. 1139) of La Chaise-Dieu, Eure.

<sup>3</sup> *in unciis* is written as one word.

<sup>4</sup> Add. Chart. 47384.

*The Knight-service of Malmesbury Abbey*

ONE of the omissions in the returns of knights' fees (*cartae baronum*) in 1166 is a *carta* for Malmesbury Abbey. Its abbot had paid scutage as for three knights in 1156 and 1161, but the absence of a return for the abbey in 1166 was followed by the absence of any payments from it to the 'aid' for the king's daughter's marriage in 1168.<sup>1</sup> Such omissions were partly rectified by the scutage for Ireland in 1172, under the several headings 'De hiis qui cartas non miserunt'. The sheriff of Wiltshire, who had been in charge of the abbey's revenues during a vacancy,<sup>2</sup> accounted, under this heading, 'de lxs. de scutagio militum Abbatie de Malmesberia'.<sup>3</sup> This payment implies three knights' fees.

Whether or not the omission of a return in 1166 was due to a difficulty caused by the peculiar character of the abbey's knights' fees, the ascertainment of the 'service' due from them led to the drawing up of a record of exceptional interest.<sup>4</sup> This was a formal 'recognition' by the abbey's knights in the Curia Regis of the services due from each of them. Its heading and the first entry run as follows :

Haec sunt servicia quae milites de abbatia Malmesburiae recognoverunt in curia domini regis coram Ricardo de Luci, et Reginaldo comite Cornubiae, et Willelmo comite de Mandeville, et Ricardo Archidiacono Pictaviae, et Gaufrido archidiacono Cantuar[iensi] et Ricardo regis thesaurario, et Rannulfo de Glanville, et Thoma Basset, se debere abbati Malmesburiae domino suo.

*Avene.* Filius comitis Patricii debet abbati servitium unius militis, in homagio, et relevio et auxiliis. Et praeterea faciet servitium dimidiae partis feudi unius militis de regali servitio.

With regard to the date, the names given indicate the years 1168-74. William de Mandeville, earl of Essex, did not succeed to the earldom till late in 1166, and 'the son of earl Patrick' was clearly that William whose father, Patrick, earl of Salisbury, died 27 March 1168. The names of the two archdeacons, of course, prove that the record cannot be later than 1174; whether it was previous to the scutage charged in 1172 it might be rash to say.

In *Feudal England* (pp. 244-5) I have discussed the ascertainment of knight-service from the knights themselves by inquest. The nearest parallel to the Malmesbury 'recognition' is that of the knight-service due from the Honour of Arundel, which I have

<sup>1</sup> Pipe Roll, 14 Hen. II, pp. 160-1.

<sup>2</sup> The Rolls show that they had come into the king's hands in the fiscal year 1168-9, and that those for 1171-2 were restored to Robert, then abbot.

<sup>3</sup> Pipe Roll, 18 Hen. II, p. 128.

<sup>4</sup> *Registrum Malmesburiense*, i, 277-8.

there cited.<sup>5</sup> There is mention in the Malmesbury Register of what seems to be another recognition on the subject. Queen Eleanor issued a precept to the knights of the abbey :

Quod faciatis abbati de Malmesburia servicium de feodis vestris integre et plenarie, sicut recognitum fuit ante regem et iusticiarios apud Wygorniam.<sup>6</sup>

The distinctive and perhaps unique feature of the service due from the abbey's knights is its double assessment. This system is duly seen in the first entry, printed above, and it figures similarly in each successive entry. For the purpose of reckoning the service due to the abbot in (1) homage, (2) relief, (3) aids, the holding was assessed much higher than it was for the purpose of paying the service due to the king (*regale servitium*). Another return, of later date,<sup>7</sup> records the same double assessment (pp. 245-8) and adds the hidage for each holding. In tabular form the figures are these :

SERVICE DUE FROM THE KNIGHTS OF MALMESBURY ABBEY *circ.* 1170

<i>Tenant.</i>	<i>Hides</i>	<i>Service due to abbot.</i>	<i>Service due to king.</i>
Earl of Salisbury . . . .	4	1 knight	half a knight.
Miles de Dauntsey . . . .	25	2 knights	$\frac{3}{4}$ knight.
Adam de Peritune . . . .	25(?)	2 knights	$\frac{3}{4}$ knight.
Anthelm ( <i>sic</i> ) Mandut . . .	6 $\frac{1}{2}$	1 knight	[ $\frac{1}{2}$ knight].*
Walter de Newington . . .	3 $\frac{3}{4}$	$\frac{1}{2}$ knight	$\frac{1}{4}$ knight.
Geoffrey de Brinkwrde . . .	2 $\frac{3}{4}$	$\frac{1}{2}$ knight	$\frac{1}{4}$ knight.
Gilbert de Sunnigg . . . .	2 $\frac{1}{4}$	$\frac{1}{2}$ knight	$\frac{1}{4}$ knight.
Roger FitzGeoffrey . . . .	3	$\frac{1}{2}$ knight	$\frac{1}{4}$ knight.
Robert de Maleward . . . .	1 $\frac{1}{2}$	$\frac{1}{4}$ knight	$\frac{1}{8}$ knight.
Richard Blundus . . . . .	2	$\frac{1}{4}$ knight †	$\frac{1}{8}$ knight.
Rotcelin ( <i>sic</i> ) Hose . . . .	1 $\frac{1}{4}$	$\frac{1}{4}$ knight	$\frac{1}{8}$ knight.
		8 $\frac{3}{4}$ knights	3 $\frac{1}{4}$ knights.

\* Supplied from the later list.

†  $\frac{1}{8}$  knight in the later list.

Opposite this return is an abstract (p. 276), 'De scutagio baronum', based on the *later* of the two returns, which confirms (the scutage being reckoned at forty shillings on the fee) the figures given above for the service due to the king so far as it is possible to identify the holdings. The total, however, is a difficulty, implying, as it does, six fees.<sup>8</sup> Another difficulty is the fact that the rolls, from 1172, steadily record the knight-

<sup>5</sup> 'Rex Henricus . . . fecit eos recognoscere servitia militum de honore, et super legalitatem et sacramenta eorum inde neminem audire voluit': *Red Book of the Exchequer*, p. 201.

<sup>6</sup> *Reg. Malmesb.*, i. 335.

<sup>7</sup> The holding of the earls of Salisbury was then in the hands of the earl of Lincoln in right of his wife (1257-1311).

<sup>8</sup> 'Summa totius scutagii, viiili. xviii. iiiid. Et ad complendam summam de xiii. solvet abbas, lxii. viiiid.' (p. 277).

service of the abbey as exactly three knights. Moreover, a list of the 'Milites abbatis Malmesburiae' in the *Red Book* (p. 605), though giving a later return,<sup>9</sup> closes with the words 'De hiis debet iiii milites'. The actual total entered is  $4\frac{83}{240}$  milites. Yet another important document in the Malmesbury Register is headed 'Turni ad faciendum regale servitium in exercitu regis' (i. 248); here the holdings are arranged in three groups, each of which was evidently responsible for finding one knight. The three holdings in the first of these groups owed, 'ad faciendum regale servitium',  $1\frac{7}{12}$  knights, so that the disproportion was as marked in the group as in the total of knight-service.

We are here reminded of the well-known system by which the knight-service due from Ramsey Abbey was discharged.<sup>10</sup> The four knights whom the abbey had to provide, for the discharge of its service, were elected in the abbot's feudal court at Broughton by his knights and freeholders.<sup>11</sup> The mention of freeholders reminds me of yet another Malmesbury Abbey document (i. 250). This is a sealed certificate, of about 1280-90, from the knights and freeholders of the abbot of Malmesbury, testifying that John Comyn, lord of Newbold (Warwickshire) and Walcote (Wiltshire), and his predecessors had done their share of the *regale servitium* due from them along with their predecessors and themselves.

Universis notum facimus, quod quotienscumque regale servitium a praedicto abbate de Malmesburia domino nostro exigitur, omnes antecessores nostri et nos una cum Iohanne Comyn, domino de Nywebold et de Walecote, participe nostro in omnibus serviciis praedicto domino nostro debitis, pro tenementis quae de eodem abbate tenemus, regale servitium eidem domino nostro, et omnibus antecessoribus suis, semper fecimus et facimus, et facere debemus. Et omnia eadem servicia quae dicto abbati, domino nostro, pro tenementis nostris facimus, idem dictus Iohannes Comyn et omnes antecessores sui, eidem abbati, et omnibus antecessoribus suis, pro tenementis suis praedictis semper facere solent et debent.

The first four names on the list are followed by the word 'milites'; the royal service due from these was  $\frac{3}{4}$ ,  $\frac{1}{2}$ ,  $\frac{1}{4}$  and [ ]<sup>12</sup> of a knight. Then come the names of ten others who are known to have owed knight-service, followed by the noteworthy phrase 'et caeteri libere tenentes abbatis Malmesburiae'. So the abbey's tenants by knight-service comprised two classes, (a) 'milites', (b) 'libere tenentes'.

<sup>9</sup> It was probably entered to supply the lack of a return (*carta*) in 1166.

<sup>10</sup> See *Feudal England*, pp. 297-8.

<sup>11</sup> 'Omnes milites et libere tenentes de curia de Broughton.' See *Select Pleas in Manorial Courts*, ed. Maitland (Selden Society), pp. 50, 61-2. Maitland cites a valuable parallel concerning the knight-service of St. Albans Abbey, where some of the six fees ('sex milites feffatos') were held by groups of men.

<sup>12</sup> I am not sure as to William de Lavaham (the fourth name).

Apart from the 'regale servitium' and from the homage, aid, and relief due to the abbot, these tenants owed him also—as is shown by what I have termed the later list (pp. 245–8)—(1) 'hundredselder', (2) Peter's pence.<sup>13</sup> From the documents relating to a long suit concerning the wardship of John Comyn, it appears that these tenants also owed (3) suit to the abbot's three-weekly court at Malmesbury. A charter of Henry II, entered in the Register (i. 331), remits to the abbot and monks their annual payment of £6 10s. for 'hundredselder', which it explains as a commutation for quittance of shire and hundred courts.<sup>14</sup> This remission figures annually on the Pipe Rolls of his reign.<sup>15</sup>

Although the system by which Ramsey Abbey discharged the knight-service due from it<sup>16</sup> attracted the attention both of Stubbs and of Maitland, it has hitherto, I believe, escaped notice that the knights of the bishop of Chichester also held by a peculiar tenure. This I have only been able to deduce from the Pipe Roll of 1171. The revenues of the see were at that time in the hands of the king,<sup>16</sup> to whom, consequently, were paid all 'reliefs' that fell due during the vacancy. It is well recognized that in such cases, both on lay and on church fiefs, the relief payable was £5 from each knight's fee in the holding, fifty shillings from half a fee, and so on. The Chichester system was quite different; the holdings, indeed, were reckoned in terms of the knight's fee, but when relief had to be paid, it was reckoned at the rate of one marc on each hide held, quite irrespective of knight-service. This was explained as 'per consuetudinem episcopatus' and was defined as '1 marcam de unaquaque hida'. Of those who paid relief in 1171 William FitzMalger, William de Irham, Robert Peverel, and William de Selsey can be identified, with the help of the bishop's *carta* in 1166,<sup>18</sup> as among the tenants of knights' fees. One is here reminded of the system existing on the Ramsey Abbey fief,<sup>19</sup> and in view of the tenure of single fees on the bishop of Chichester's fief by groups of four and even, in one case, ten tenants, there may well have been there some such system of election for the discharge of knight-service in the field as in the cases of Ramsey and St. Albans.

J. H. ROUND.

<sup>13</sup> Special lists, giving the details of both payments, will be found in the Register, i. 249.

<sup>14</sup> 'Pro quietancia scirarum et hundredarum, quas ipsi solent appellare *hundredselder*.'

<sup>15</sup> E. g. 'Monachis de Malmesberia *vili*. et *xs*. pro Sciris et hundredis per breve Regis' (Pipe Roll, 5 Hen. II, p. 38).

<sup>16</sup> *Red Book*, pp. 371–2.

<sup>17</sup> Pipe Roll, 17 Hen. II, pp. 134–6.

<sup>18</sup> *Red Book*, p. 199. The case of William de Selsey is further remarkable because his payment of 5 *s*. would represent  $\frac{3}{4}$  hide. In Domesday a 'William' held exactly  $\frac{3}{4}$  hide of the bishop's manor of Selsey.

<sup>19</sup> *Feudal England*, pp. 297–8; Miss Neilson's *Economic Conditions on the Manors of Ramsey Abbey*, pp. 25–6.

*Jean Ribaut's Discoverye of Terra Florida*

IN the spring of 1563 there was published in London a very small volume of 23 pages entitled :

The whole and  
 true discoverye of Terra Florida,  
 (englished the Flourishing lande.) Con-  
 teyning aswell the wonderfull straunge na-  
 tures and maners of the people, with the mer-  
 ueylous commodities and treasures of the  
 country : As also the pleasaunt Portes,  
 Hauens, and wayes therevnto Neuer  
 founde out before the last  
 yere 1562.

Written in Frenche by Captaine Ribauld  
 the fyrst that whollye discovered the same.

And nowe newly set forthe in Englishe  
 the XXX. of Maye 1563.

Prynted at London for Rouland Hall  
 for Thomas Hacket.<sup>1</sup>

Between 22 July 1562 and 22 July 1563 Hacket had paid fourpence 'for his lycense for pryntinge of a boke intituled *the Dyscription of Terra Floryda*', &c.<sup>2</sup> Few copies appear to have been issued; for Richard Hakluyt when reprinting this text in 1582, in his *Divers Voyages touching the discoverie of America*, remarked that it was even then 'not to be had, vnlesse I had caused it to be printed againe'.<sup>3</sup> Although in this work Hakluyt made no mention of the French text, he stated in 1584 in his *Discourse concerning Western Planting*, that it was 'extant in printe both in Frenche and Englishe'.<sup>4</sup> In spite of this assertion, however, Jared Sparks in 1845 could 'not find that this tract was ever published in French',<sup>5</sup> and five years later John Winter Jones, of the British Museum, thought it 'doubtful if it was ever printed' in French.<sup>6</sup> Certainly Brunet had never seen a copy.<sup>7</sup> Nevertheless in 1875 Paul Gaffarel gave the French title as *Histoire de l'Expédition Française en Floride*,<sup>8</sup> which has been

<sup>1</sup> There is a copy in the British Museum.

<sup>2</sup> E. Arber, *A Transcript of the Registers of the Company of Stationers of London, 1554-1640*, i. 211, London, 1875.

<sup>3</sup> *Divers Voyages, &c.*, p. 17, London (Hakluyt Society), 1850.

<sup>4</sup> *Collections of the Maine Historical Society*, 2nd ser., p. 20, Cambridge (Massachusetts), 1877.

<sup>5</sup> *The Library of American Biography*, 2nd ser., vii. 147, Boston, 1845.

<sup>6</sup> *Divers Voyages*, p. 94, n. 2. Compare his Introduction, pp. lxii-lxiii.

<sup>7</sup> *Manuel du Libraire*, iv, pt. ii, Paris, 1863, p. 1272: 'L'original français doit être antérieur au 30 mai 1563, mais nous ne l'avons jamais vu.'

<sup>8</sup> *Histoire de la Floride Française*, p. 337, Paris, 1875.

repeated by several modern writers.<sup>9</sup> What authority Gaffarel had for this statement is not known. Finally in that same year 1875 *The whole and true discoverye* was reprinted at New York, but in a version far from faithful to the original.<sup>10</sup>

Among the Sloane MSS. at the British Museum, in a volume labelled *Alchemical Tracts*, is a document in a sixteenth-century hand, entitled, 'A book of voiage into the West<sup>a</sup> Indies in the time of Queen Elizabeth', which turns out upon examination to be the complete text of *The whole and true discoverye*.<sup>11</sup> A note on the first leaf, but in a later hand, states, in fact, that 'this is a particular account of Captain Jean Ribault's first voyage from Havre de Grace to Florida & New France begun Feb. 18 : 1562, and ended July 23 : following'. Ayscough repeated this statement in his *Catalogue*, published in 1782, wherein he described this document as 'Captain John Ribault's Account of his first voyage from Harve de Grace to Florida and New France in 1562'.<sup>12</sup> Notwithstanding this mention, the manuscript escaped the notice of John Winter Jones, when, in 1850, he published for the Hakluyt Society a new edition of the *Divers Voyages* wherein, as already mentioned, Hakluyt had in 1582 reprinted *The whole and true Discoverye*. In the reprint of this work in 1850 the editor drew attention to the copy of the original edition of *The whole and true Discoverye* among the printed books at the Museum,<sup>13</sup> but quite overlooked the manuscript printed below from which this original edition appears to have been published.

The explanation of the publication of this work by Ribaut, at London, in English, is to be found in the then political situation in France. From the time of Ribaut's departure for Florida in February 1562 until his return to France in July,<sup>14</sup> civil war had been raging between catholics and huguenots. On reaching France, Ribaut, as a huguenot, would appear to have taken part in the fighting.<sup>15</sup> On the conclusion of peace in March 1563 he made his way to London,<sup>16</sup> where, as already mentioned, *The whole and true discoverye* was published in May 1563. This work

<sup>9</sup> Justin Winsor, *Narrative & Critical History of America*, ii. 293, London, 1886 ; Woodbury Lowery, *The Spanish Settlements in the United States : Florida, 1562-74*, p. 32, n. 1, New York, 1905.

<sup>10</sup> B. F. French, *Historical Collections of Louisiana and Florida*, 2nd ser., *Hist. Memoirs and Narratives, 1527-1702*, pp. 159-89, New York, 1875.

<sup>11</sup> Sloane MS. 3644, pp. 111-21.

<sup>12</sup> *A Catalogue of the MSS. preserved in the British Museum, &c.*, ii. 692, London, 1782.

<sup>13</sup> *Divers Voyages*, 1850, p. 17, n. 1. Compare also p. 94, n. 2.

<sup>14</sup> Hakluyt, *Principall Navigations*, viii. 474, Glasgow, 1904.

<sup>15</sup> E. and E. Haag, *La France protestante*, viii. 313, Paris, 1861. See also *ibid.*, pp. 426-8.

<sup>16</sup> David Asseline, *Les Antiquitez et Chroniques de la Ville de Dieppe*, i. 324, Dieppe, 1874.

brought Ribaut to the notice of Queen Elizabeth, who is said to have offered him a salary of 300 ducats and a house.<sup>17</sup> At this time Thomas Stukeley was fitting out a fleet of five ships bound, apparently, for Florida, and it was reported that one was contributed by the queen and one by Ribaut.<sup>18</sup> On the discovery, however, that Ribaut and three of the French pilots who had been to Florida were planning to escape to France with their ships, they were arrested and thrown into prison.<sup>19</sup> Ribaut does not appear to have returned to France till 1565, when he was placed in command of an expedition of seven vessels bound for Florida. The Spaniards, unfortunately for him, had also heard of the destination of this fleet, and dispatched ten vessels to Florida to seize the French. Ribaut's vessel having been driven ashore, he was taken prisoner by the Spaniards and cruelly butchered on 11 October 1565.<sup>20</sup>

This manuscript version of Ribaut's *Whole and true discovery* is here printed in full, additional words to be found only in the printed edition having also been added between square brackets. As a glance at the foot-notes will show, not only did the printed text omit whole sentences, but many of the words have been completely disfigured by the printer of the edition of 1563.

H. P. BIGGAR.

[The true discoverie of terra Florrida]<sup>1</sup>

Whereas in the yeare 1562 it pleased God to move your grace<sup>2</sup> to chose and appoynt us to discover and vieu a certen long coste of the West Indea, from the hed of the lande called la Florida, drawing towards the northe parte untill<sup>3</sup> the hed of Britons,<sup>4</sup> distant from the said hed of la Florida 900 leages, or therabout, to the ende that we might certifiè you and make true reporte of the temperature, fertilitie, portes, havens, rivers, and generally of all the comodities that might be founde and seen in that lande, and also to learn what people were there dwelling, which thing long tyme agon ye have desiered, being stirred [thereunto] by this zeale, that France might one daye through newe discover[ie]s have knowledg of strange conteries, and also thereof to receave, by meanes of contynewall trafficque, riche and inestimable comodities, as other nations have don, by

<sup>17</sup> Martin A. S. Hume, *Calendar of Spanish State Papers, &c.*, vol. i, Elizabeth, pp. 339, 495, London, 1892.

<sup>18</sup> *Ibid.*, pp. 322-3, 339.

<sup>19</sup> *Ibid.*, pp. 337, 339.

<sup>20</sup> *Ibid.*, p. 551, and Lowery, *op. cit.*, p. 199.

<sup>1</sup> Words in square brackets are found in the printed version, which we shall call P.: 'The true and last discoverie of Florida made by Captaine John Ribault in the yeere 1562. Dedicated to a great noble man of Fraunce, and translated into Englishe by one Thomas Hackit.' Hakluyt has: 'The true and last discoverie of Florida, made by Captaine John Ribault in the yeere 1562. Dedicated to a great noble man of Fraunce, and translated into Englishe by one Thomas Hackit.'

<sup>2</sup> P. has, always, *honour*. This account is said to have been addressed to Coligny.

<sup>3</sup> P., *unto*.

<sup>4</sup> Cape Breton, the eastern extremity of Cape Breton island.

taking in hand suche farre navegacions, bothe to the honnour and praise<sup>5</sup> of their Kinges and prynces, and also to thincrease of great proffite and use of<sup>6</sup> their comon wealthes, counteris and domynions. And<sup>7</sup> which is most of all, without comparison, to be considered and estemed, it semeth well that you have byn hereto stirred from God<sup>8</sup> above, and led to yt by the hope and desire you have that a nombre of brutishe people and ignoraunt of Jesus Christ, may by his grace come to some knowledge of his holly lawes and ordynaunces, so as<sup>9</sup> it semeth that it hathe pleased the lyving God by his godly providence to reserve the care he hathe had of there salvation until this tyme, and will bryng them to our ffaithe, at the tyme by himself alone foreseen and ordeyned. For if it were nedefull to shewe howe manye from tyme to tyme have gon about to fynd owt this great land, to inhabite there, who nevertheles have alwaies failed and byn put by of<sup>10</sup> there intention and purpose, some through feare of shipwracke, and some by great wyndes and tempestes that drove them backe, to their marvelous greif; of the which ther was one a verry famyous strainger [named] Sebastian Cabot,<sup>11</sup> an excellent pilote, sent thither by the King of England, Henery the vij<sup>th</sup>, anno 149[8]<sup>12</sup> and many others, who never could attayne to any habytation or take possession there of one only fote of grownd, nor yet approche nor enter into those portes<sup>13</sup> and faire rivers, into the which God hathe brought us, wherfore, my lorde, it may be well said that the living God hathe reserved this greate lande for the Kinges poore subiectes,<sup>14</sup> aswell to the ende they might be made great over this pooer people and rude nation, as also tapprove the former affection which our Kinges have had to this discover[ie]: for the late King Francis [the first] of happie memorye, a prynce endued with excellent vertues, anno 1524, sent a famyous and notable man, a Florentyne, named Messire Jehan de Verrazane<sup>15</sup> to searche and discover the west partes as farre as might be, who departyng from Depe with two vesselles, litle differing from the making and burden of these two pynnases of the Kinges, which your grace hath ordained for this present navigation, in the which lande he arrived where he founde the elevation of the pole of 38 degrees,<sup>16</sup> the cuntry, as he writeth, goodly, frutefull, and of so good a temperaunce as is not possible to have better, being then as yet of no man seen, nor discovered.<sup>17</sup> But he being not able at his first voiage to bring to passe that [whiche] he had intended, nor arrive in any porte, by reason of sondery inconvenyences, which happen comenlye, was constrayned to retourn into Fraunce, where after his arrivall he never ceased to make sute untill he<sup>18</sup> was sent thither agayn, where at the last he died, which<sup>19</sup> gave smale

<sup>5</sup> P., *provesse*.<sup>6</sup> P., *to*.<sup>7</sup> Omitted in P., which has no stop after *domynions*.<sup>8</sup> P., *even of God*.<sup>9</sup> P., *so therefore*.<sup>10</sup> P., *from*.<sup>11</sup> There is a blank after this name in the manuscript.<sup>12</sup> This figure is cut off. P., 1498. John Cabot discovered Cape Breton in 1497 and his son Sebastian returned thither in 1498.<sup>13</sup> P., *parties*.<sup>14</sup> P., *your poore servauntes and subiectes*. It is just possible that the attitude of the Court to the huguenots had estranged the latter's feelings for the king of France.<sup>15</sup> P., *Varran*. Verrazano's Relation is in Hakluyt, *Divers Voyages*, pp. 55-71.<sup>16</sup> P., *an vij degrees*, which is unintelligible.<sup>17</sup> P., *discerned*.<sup>18</sup> From P.: the manuscript has *his*.<sup>19</sup> P. adds *occasion*.

lust<sup>20</sup> to send thither agayn and was cause that this laudable enterprise was leift of, untill the yeare 1534, at which tyme his Majestie, desiering allwaies thenlardging of his Kingdom, cuntries and domynions, and the advauntage<sup>21</sup> and ease of his pooer subiectes, sent thither a pilote of St. Malos in Bryttayne,<sup>22</sup> named Jaques Carter,<sup>23</sup> well seen in the art and knowledg of navegation, and speceally for the northe partes, comonly called the Newland, led by some hope to fynd passage that waies to the southe sees, who being not able at this his ffirst going to bring any thing to pase of that he pretended to do, was sent thither agayn the yere ffollowing, and likewise le Sieur de Beuernall.<sup>24</sup> And as it is well known, they did inhabite, builde [and] plant the Kinges armes in the northe partes a good way within the lande, as far as Cavadu and Ochelaga.<sup>25</sup> Wherefore (my lorde) trusting<sup>26</sup> that in a thinge so comendable and wortheye to be with good curradge attempted, that God would guyde and kepe us, desiering alwaies to fullfill your commaundementes, when we had don our<sup>27</sup> bussines, and made our preparations, the 18 daye of February last past,<sup>28</sup> through the favor of God, we departed with our two vesselles owt of the havon of Havor de Grace into the rode of Caux, and the next daye hoised up sailes, the wynd being at east, which lasted so fewe<sup>29</sup> daies that we could scant passe the Manche,<sup>30</sup> that is from the coast of Bryttayne and England and the Isles of Surl ynges and Wisan.<sup>31</sup> So that the wynd blowing with great furye and tempest owt of the west and west southe west, altogether contrary to our waye and course, and that all that we could do was but to no effecte and to<sup>32</sup> the [great] daunger of breaking of our mastes, or to be lett<sup>33</sup> in our other labours. Therefore, as well to shon manye other inconveniences, which might followe to the preiudice and breache of our voiage, having regarde also to the likely daunger of deathe, that some of our gentilmen and souldiours trubled with fevers and hote<sup>34</sup> sicknesses might have fallen into, as also for many other considerations, we thought good to fall into the rode of Brest in Britaine, to sett there our sicke folkes on lande, and suffer the tempest to passe. From whence, after we taryed there two dayes, [we] retourned agen to seaward to followe our navegation, so that (my lorde) albeit the wynd was for a long tyme<sup>35</sup> verye muche agenst us and trublesome, yet at the end, God geving us through his grace and accustomed goodnes a metelye favorable wynde, I detemiend with all dilligence to prove a newe course which hathe not byn yet attempted, traversing the seas of the oction 1800 leagues at the least, which in dede is the true and shorte course that herafter must be kepte, to the honnour of our nation, reiecting thould conseaved<sup>36</sup> oppynnion, which to<sup>37</sup> longe tyme

<sup>20</sup> P., *corage*.<sup>21</sup> P., *theadvauncing*.<sup>22</sup> P., *a Britton*.<sup>23</sup> P., *Cartiere*. See J. P. Baxter, *A Memoir of Jacques Cartier*, London, 1906.<sup>24</sup> P., *Hemerall*. It should be *Roberval*: see Baxter, *passim*.<sup>25</sup> P., *Tauadu & Ochisaon*. Canada was the region about Quebec, and Hochelaga Montreal.<sup>26</sup> P., *trust iustly*.<sup>27</sup> P., *your*.<sup>28</sup> P., *1562*.<sup>29</sup> P., *fyve*.<sup>30</sup> P., *not arrive at the nauch*. *La Manche* is the English Channel.<sup>31</sup> P., *Wiskam*. Ushant, in French *Ouessant*; Surl ynges are the Scilly Islands.<sup>32</sup> P., *besydes*.<sup>33</sup> P., *hyndered*.<sup>34</sup> P., *whot*.<sup>35</sup> P., *season*.<sup>36</sup> P., *conserved*.<sup>37</sup> Too.

hathe byn holden for true, which is that it was thought a thinge impossible to have the wynde at east<sup>38</sup> northeast, and kepe the race and course we enterprised, but that the<sup>39</sup> shuld be dreven towards the region of Affricque, the Isles of Canari[a], Madera and other landes therabowt. And the cause why we have byn [the] more spurred and provoked<sup>40</sup> to take this newe race, hathe byn [because] that it seamed to every one that men<sup>41</sup> might not pass nor go in this navigation without the sight and towching of the Antilles and Lucayes<sup>42</sup> and there to sojourne and take fresse water and other necessaries, as the Spaniardes do in their voiage to newe Spayne, wherof, thanked be God, we have had no nede, nor entred the Chanell of Boham,<sup>43</sup> which hath byn thought impossible, fforseing also that it was not expedient for us to passe through their<sup>44</sup> islandes, aswell to shon many inconveniences that hapen<sup>44a</sup> in passing that waies, wherof there spring nothing but innumerable quarrelles, pleadinges, confusion, and breache of all worthie enterprises and goodly navigations, with infinite complaintes<sup>45</sup> and odious questions betwen the subiectes of the Kinge and his ffriendes and allyes, as also to thende they myght understand that in tyme to come (God having shewed to us suche grace as theis his wonderfull benefites first knowen<sup>46</sup> to the pooer people of this so goodly newe France,<sup>47</sup> a people of so gentill a nature, and a cuntry so pleasaunt and frutfull, lacking nothing of all<sup>48</sup> that maye seme necessarye for mans foode) we would not have to do with there ilandes and other landes, which for that they first discovered them, they kepe with muche ielozie, trusting that if God will suffer the Kinge, through your perswasion, to cause some partes of this incomparable cuntrye to be peopled and inhabited with suche a number of his pooer subiectes as you shall thinke good, there never hapened in the memorye of man so great good and comoditie<sup>49</sup> to France as this. And, my lorde, for manny causes wherof a man is never hable to saye or wrytte to the full, as under the assured hope that we have allwaies had, that<sup>50</sup> executing uprightly that which I had receaved in chardge of you, God would blesse our wayes and navigation, after we had constantlye and with dilligence, in tyme convenient, determioned upon the waye we would take (though noisome and longe to all our company, if it had byn bfore knowen unto them<sup>51</sup>) without turning or wavering to or fro from our<sup>52</sup> first intention, notwithstanding that Sathan did often what he could to sowe many obstacles, troubles and lettes, according to his accustomed subtilities. So yt is come to passe, that God, by his only goodnes, hathe geven us grace to make the furthest cut<sup>53</sup> and travers of the seaes that ever was made in our memorye or knoweledg in longitude from the east to the west, and therefore was it comonly said bothe in France and Spayne and also amonges us, that it was impossible [for us] to come

<sup>38</sup> The manuscript has *est* before *east*.

<sup>40</sup> P., *provoked & assured*.

<sup>42</sup> The Bahamas: P., *Lucaries*.

<sup>43</sup> Bahama: P., *Roham*.

<sup>45</sup> P., *whereof ensueth complaintes*.

<sup>47</sup> P., *framing people*. J. W. Jones, in 1850, was 'unable to suggest an explanation of it' (p. 96, n. 1).

<sup>48</sup> P., *at all*.

<sup>50</sup> P., *in*.

<sup>51</sup> P., *any*.

<sup>39</sup> They: P., *we*.

<sup>41</sup> P., *we*.

<sup>44</sup> P., *the*.

<sup>44a</sup> P., *might happen*.

<sup>46</sup> P., *shewed*.

<sup>49</sup> P., *so great & good commoditie*.

<sup>53</sup> P., *their*.

<sup>53</sup> P., *arte*.

and safely arrive thither where the Lorde did conduct us, all which proceeded<sup>54</sup> but of ignoran[ce] and lacke of attempting that which we have not byn afrayed to give thadventure to prove, albeit that in all marryne cardes, they sett fourth the coast with shippwrackes, without portes or rivers which we have found otherwise as yt ffollowithe.

Thursday the last of Aprill at the breke of the daye we discovered and clearly perceived a faire cost, streching of<sup>55</sup> a gret lenght, covered with an infenite number of highe and fayre trees, we being not past 7 or 8 leages from the shore, the cuntrye seming unto us playn, without any shewe of hilles, and approaching nearer within 4 or 5 leages of the land, we cast ancre at ten fadom watter, the bottom of the sea being playn with muche oose<sup>56</sup> and of fast hold.<sup>57</sup> On the southe side as far as a certen poynt or cape, seituat under the latitude of 29 degrees and a half, which we have named the cap Francoys,<sup>58</sup> we could espie nether river nor baye, wherfore we sent our boates, furnished with men of experience, to sound and knowe the coast nere the shore, who retourning agen unto us abowt one of the clocke at after none, declared that they had found, amonges other things, viij fadom watter at the harde bancke of the sea. Wherupon, having dilligently wayed up our ancre and hoist up saile, with wynd at will we sailed and veewed the coast all along with an inspeakeable pleasure of thoderiferous smell and bewtye of the same. And bicause there apeared unto us no sine of any porte, abowt the setting of the sonne, we cast ancre agayn, which don, we did behold to and fro the goodly order of the woodes wherwith God hathe decked everywhere the said lande. Then perceving towards the northe a leaping and breking of the water, as a streme falling owt of the lande unto the sea, forthewith<sup>59</sup> we sett agayn up saile to duple the same while it was yet daye. And as we had so don, and passed byonde yt, there apeared unto us a faire enter[ye] of a great river,<sup>60</sup> which caused us to cast ancre agen and tary there nere the lande, to thende that the next mornynge<sup>61</sup> we myght see what it was. And though that the wynd blew for a tyme vehemently to the shore warde, yet the hold and auncordge is so good there, that one cable and one ancre held us fast without driving<sup>62</sup> or slyding.

The next daye in the morninge, being the ffirst of Maye, we assaied to enter this porte with two rowe<sup>63</sup> barges and a boate well trymed, finding littell watter at the entrye and many surges and brekinges of the water<sup>64</sup> which might have astuned and caused us to retourn backe to shippborde, if God had not speedely brought us in, where fynding fourthwith 5 or 6<sup>65</sup> fadom water, entered in to a goodly and great river,<sup>66</sup> which as we went we found to increse still in depth and lardgnes, boylling and roring through the multytute of all sortes of fishes. Thus entered we perceived a good<sup>67</sup>

<sup>54</sup> P., *persuaded*.

<sup>55</sup> Off.

<sup>56</sup> P., *Ocias*. Jones thought (p. 97, n. 2) 'perhaps for osiers'.

<sup>57</sup> P. has no full stop here but one after *Francoys*, two lines further on.

<sup>58</sup> Probably a point of land north of the present St. Augustine. Cf. Lowery, *op. cit.*, 1562-74, pp. 32-3. P. has a full stop here. <sup>59</sup> P., *for the which*.

<sup>60</sup> P., *fayre entrye of a fayre River*. Probably the St. John's river.

<sup>61</sup> P., *day*.

<sup>62</sup> P., *daunger*.

<sup>63</sup> P., *new*.

<sup>64</sup> All the words after *littell watter* are omitted in P. <sup>65</sup> P., 536; Hakluyt, 36.

<sup>66</sup> St. John's river.

<sup>67</sup> P., *great*.

nombre of the Indians, inhabytantes there, coming alonge the sandes and seebanck somewhate nere unto us, withowt any taken<sup>68</sup> of feare or dowbte, shewing unto us the easiest landing place, and thereupon we geving them also on our parte tokens<sup>69</sup> of assuraunce and frendelynes, fourthewith one of the best of apparance amonges them, brother unto one of there kinges or governours, comaunded one of the Indians to enter into the water, and to approche our boates, to showe us the easiest<sup>70</sup> landing place. We seeing this, withowt any more dowbting or difficulty, landed, and the messenger, after we had rewarded him with some loking glases and other prety thinges of smale value, ran incontenently towardes his lorde, who forthwith sent me his girdell in token of assurance and frendship, which girdell was made of red lether, aswell couried<sup>71</sup> and coulored as is possible. And as I began to go towardes him, he sett fourthe and came and receved me gentlye and reiosed<sup>72</sup> after there<sup>73</sup> mannour, all his men ffollowing him with great silence and modestie, yea, with more then our men did. And after we had awhile with gentill usage congratulated with him, we fell to the grownd a littell waye from them, to call upon the name of God, and to beseeche him to contynewe still his goodnes towardes us, and to bring to the knoweledg of our Savior Jesus Christ this pooer people. While we were thus praying, they sitting upon the grownd, which was dressed and strewed with baye bowes, behelde and herkened unto us very attentively, withowt eyther speaking or moving. And as I made a sygne unto there king, lifting up myne arme and streching owt<sup>74</sup> one fynger, only to make them loke up to heavenward, he likewise lifting up his arme towardes heven, put fourthe two fyng[er]s<sup>75</sup> wherby it semed that he would make us tunderstand that thay worshipped the sonne and mone for godes, as afterward we understode yt so. In this meane tyme there number increased and thither came the kinges brother that was ffirst with us, their mothers, wifes, sisters and childern, and being thus assembled, thaye caused a greate nombre of baye bowes to be cutt and therwith a place to be dressed for us, distant from theires about two ffadom ; for yt is there mannour to parle<sup>76</sup> and bargayn sitting, and the chef of them to be aparte from the meaner sorte, with a shewe of great obedience to there kinges, superyours, and elders. They be all naked and of a goodly stature, mighty, faire and aswell shapen and proportioned of bodye as any people in all the worlde, very gentill, curtious and of a good nature.

The most parte of them cover their raynes and pryvie partes with faire hartes skins, paynted cunyngly<sup>77</sup> with sondry collours, and the fore parte of there bodye and armes paynted with pretye devised workes of azure, redd, and black, so well and so properly don as the best paynter of Europe could not amend yt. The wemen have there bodies covered<sup>78</sup> with a certen herbe like unto moste,<sup>79</sup> wherof the cedertrees and all other trees be alwaies covered. The men for pleasure do allwayes tryme themselves therwith, after sundry fashions. They be of tawny collour, hawke

<sup>68</sup> P., *takyng*. Token is evidently meant.

<sup>69</sup> P., *thankes*.

<sup>72</sup> P., *reysed*.

<sup>75</sup> The manuscript is torn here.

<sup>77</sup> P., *moste commonlye*.

<sup>70</sup> P., *coastes*

<sup>73</sup> Their: P., *his*.

<sup>76</sup> P., *paynted*.

<sup>71</sup> P., *covered*.

<sup>74</sup> P., *forth*.

<sup>76</sup> P., *talke*.

<sup>79</sup> P., *mosse*.

nosed and of a pleasaunt countenance. The women be well favored and modest and will not suffer that one approche them to nere,<sup>80</sup> but we were not in their howses, for we sawe none at that tyme.

After that we had tarried in this northe side of the river the most parte of the daye, which river we have called by the name of the river of Maye, for that we discovered the same the first day of that mounthe,<sup>81</sup> congratulated and made alyance and entered into amytie with them, and presented their kinge and his brethern with gownes of blewe clothe garnished with yellowe flowers de luce, yt semed they were sorry for our departure, so that the most parte of them entered into the watter up to the necke, to sett our barges<sup>82</sup> on flote, putting into us soundry kindes of fishes, which with a marvelous speed they ran to take them in their parkes,<sup>83</sup> made in the watter with great redes, so well and cunyngly sett together, after the fashion of a labirinthe or maze, with so many tourns and crokes, as yt is impossible to do yt with more cunning or industrie.<sup>84</sup>

But desiring to imploye the rest of the daye on the other side of this river, to veue and knowe those Indians we sawe there, we traversed thither and withowt any diffycutie landed amonges them, who receaved us verry gently with great humanitye, putting us of<sup>85</sup> there frutes, even in our boates, as mulberies,<sup>86</sup> respices and suche other frutes as thay found redely by the waye.

Sone after this there came thither their kynge with his brethern and others, with bowes and arrowes in their handes, using therewithall a good and grave ffashion and behavior, right souldier like with as warlike a boldnes as might be.<sup>87</sup> They were naked and paynted as thothers, their hear<sup>88</sup> likewise long, and trussed up with a lace made of hearbes, to the top of their hedes, but they had neither their wives nor childern in their company.

After we had a good while lovengly intretayned and presented them with littell<sup>89</sup> giftes of haberdasherye wares, cutting hookes and hatchettes, and clothed the king and his brethern with like robes we had geven to them on the other side, [we] entered and veued the cuntry therabowte, which is the fairest, frutefullest and plesantest of all the worlde, habonding in honney, veneson, wildfoule, forrestes, woodes of all sortes, palme trees, cipers, ceders, bayes, the hiest, greatest and fairest vynes in all the world with grapes accordingly, which naturally and withowt mans helpe and trying growe to the top of okes and other trees that be of a wonderfull greatnes and height. And the sight of the faire medowes is a pleasure not able to be expressed with tonge, full of herons, corleux, bitters, mallardes, egeres, woodcockes, and of all other kinde of smale birdes, with hartes, hyndes, buckes, wild swyne, and sondery other<sup>90</sup> wild beastes as we per-

<sup>80</sup> Too near. P., and wyll not suffer one dishonestly to approche to nere them.

<sup>81</sup> On the identity of this river see Lowery, *op. cit.*, Appendix B, pp. 389-93.

<sup>82</sup> P., Boates.

<sup>83</sup> P., paks.

<sup>84</sup> P., without much conning & industrie.

<sup>85</sup> From P. The manuscript has with.

<sup>86</sup> The manuscript has with mulberies.

<sup>87</sup> P., with their behaviour right souldierlike and as warlike boldnes as may be.

<sup>88</sup> Hair.

<sup>89</sup> P., lyke.

<sup>90</sup> P., all other kyndes of.

ceved well bothe then by there foteing there and also afterwarde in other places by ther crye and brayeng<sup>91</sup> which we herde in the night tyme. Also there be cunys, hares, guynia cockes in meruelus nombre, a great dele fairer and better then be oures,<sup>92</sup> silke wormes, and to be shorte it is a thinge inspeakable, the comodities that be sene there and shalbe founde more and more in this incomperable lande, never as yet broken with plowe irons, bringing fourthe all thinges according to his first nature, wherof<sup>93</sup> the eternall God endued yt.

About there howses they laboure and till there ground, sowing there fildes with a grayn called Mahis, wherof the[y] make there meale, and in there gardens the[y] plant beans, gourdes, cowekcumbers, citrons, peasen, and many other simples<sup>94</sup> and rootes unknon unto us. There spades and mattockes be of wood, so well and fyttely made as ys possible, which they make with certen stones, oister shelles, and mustelles,<sup>95</sup> wherwith the[y] make also ther bowes and smale lances, and cutt and pullishe all sortes of woodes that they employe abowt there buldinges and necessarye use. There grovith[also] many walnuttrees hazeltrees and smale cherytrees verry faire and great, and generally we have sene there of the same symples and herbes that we have in Fraunce and of like goodnes savour and tast. The people are verry good archers and of great strenght; there bowe strynges are made of lether and there arrowes of reades which the[y] do hedd with the teathe of certen ffishes.

As we [nowe] demaunded of them for a certen towne called Sevola,<sup>96</sup> wherof some have wrytten not to be farr from thence, and to be scituate within the lande and towards the southe sea,<sup>97</sup> they shewed us by signes which we understode well enough, that they might go thither with there boates by rivers in xx<sup>tie</sup> dayes. Those that have wrytten of this kingdom and towne of Sevolla, and other towns and realmes<sup>98</sup> therabowtes, say that ther is great aboundaunce of gould and silver, precious stouns and other great riches, and that the people hedd ther arrowes, instedd of iron, with [sharpe] poynted turqueses.<sup>99</sup> Thus the night aproching, and that it was conveyenient for us to retire by daye to ship bord, we toke leve of them muche to their greif and more to oures withowt comparison, for that we had no meane to enter the river with our shippes. And albeyt it was not ther custome either to eate or drynke from sonne rising till his goyng down, yet there kyng openly would nedes drinke with us, praying us verry gentelly to give him the cupp wherowt he<sup>100</sup> had dronke. And so making<sup>101</sup> him understand that we would see him agen the next daye, we retired agayn to our shippes, which laye abowt vj leagues from the haven to the sewarde.

<sup>91</sup> P., rorynge.

<sup>92</sup> P. omits these and has *silke wormes in merveyulous number, a great dell fairer & better, then be our silk wormes.*

<sup>93</sup> P., wherewith.

<sup>94</sup> P., frutes.

<sup>95</sup> Mussels: P., muscles.

<sup>96</sup> P., concernyng the land called Sevola. On Cibola in Northern Mexico, see Woodbury Lowery, *The Spanish Settlements in the United States, 1513-61*, p. 267, New York, 1901; and G. P. Winship, *The Coronado Expedition*, Smithsonian Institution, 1906.

<sup>97</sup> P., the Sea called the South Sea.

<sup>98</sup> P., kingdoms.

<sup>99</sup> Lopez de Gomara, *Istoria de las Indias*, fo. cxv, Zaragoza, 1552.

<sup>100</sup> P., we.

<sup>101</sup> From P. The manuscript has make.

The next day in the morning we returned to land agayne, accompanied with the captayns, gentilmen, souldiers, and others of our smale troupe, carring with us a pillar or colume of hard stone, our kinges armes graven therein, to plaint and sett [the same] at the entrie of the porte in some high place wher yt might be easelly sene. And being come thither before the Indyans were assembled, we espied on the southe side of the river a place verry fytt for that purpose upon a littell hill compassed with cipers, bayes, palmes, and other trees, and swete pleasaunt smelling shrubbes, in the mydell wherof we planted the first bounde or lymete of his majestie. Thus don, perceving our first Indians assembled and loking for us we went first unto them according to our promise,<sup>102</sup> not without some mislyking of those on the southe parte, wher we had sett the said lymete, who tarried for us in the same place where they mete with us the day before, seming unto us that there ys some ennemytie bytween them and the others. But when the[y] perceived our<sup>103</sup> long tarring on this side, the[y] ran to se what we had don in that place where we landed ffirst and had sett our lymete, which they vewed a gret while without touching yt any waye, or abassing, or ever speaking unto us therof at any tyme after. Howebeit we could scant departe but as yt were with greif of mynde from theis our first alies,<sup>104</sup> they runyng<sup>105</sup> unto us [all] along the river from all partes, presentyng us with some of there harte skins, paynted and unpaynted, meale, littell cakes, freshe watter, roottes like unto rubarbe, which they have in great estymation, and make therof a kinde of bevradg or potion of medyzen. Also they brought us littell bagges of redd coullours and some smale peces like unto oore,<sup>106</sup> perceving also amonges them faire thinges paynted as yt had byn with grayn of scarlett, shewing unto us by signes that they had within the lande gould, silver, and copper wherof we have brought some muster; also leade like unto ours, which we shewed unto them, turqueses, and a great abundaunce of perles, which, as they declared unto us, they toke owt of oysters, wherof there is taken every<sup>107</sup> along the river side and amonges the reedes and in the marishes and in so mervelous abundaunce as ys scant credible. And we have perceived that ther be as many and as faire perles found there as in any contry in the worlde, for we sawe a man of theires, as we entered into our boates, that had a perle hanging at a collour of gould and silver about his necke as great as an acorn at the least. This man, as he had taken ffishe in one of there ffishing parkes<sup>108</sup> therby, brought the same to our boates, and our men perceving his great pearle and making a wonderinge at yt for the<sup>109</sup> greatnes therof, one of them putting his ffynger towards yt, the man drewe backe and would no more come nere the boate, not for any feare he had that they would have taken his collour and perle from him; for he would have geven yt them for a lokingglasse or a knyfe, but that he dowbtéd least they would have pulled him into the boate and so by force have carried him awaye. He was one of the goodlyest men of all his company.

<sup>102</sup> P. omits all the words after *assembled* to the word *promise* inclusive.

<sup>103</sup> The manuscript has also *the* before *our*. <sup>104</sup> P., *this our first alliance*.

<sup>105</sup> P., *rowing*. <sup>106</sup> P. has *spices like unto Vire*.

<sup>107</sup> P., *ever*. The word *day* has probably been omitted. <sup>108</sup> P., *packs*.

<sup>109</sup> All the words after *perceiving* are omitted in P.

But for that we had no leysure to tarry any longer with them, the day being well passed, which greved us for the comodities and great ryches which as we understode and sawe might be gotten there, desiering also to imploye the rest of the daye amonges our second allies,<sup>110</sup> the Indians on the south side, as we had promised<sup>111</sup> them the day before, which still tarried loking for us, we passed the river to there shore where we founde them tarring for us quietly and in good order, trymed with newe pictures<sup>112</sup> upon there faces, and fethers upon ther heddes, their king with his bowes and arrowes lieing by him, sett on the ground, strewed with baye bowes, bitwen his two brethern [whiche were] goodly men [&] well shapen and of wonderfull shewe of activetie, having about there heddes and heare,<sup>113</sup> which was trussed up of a height, a kinde of heare of some wilde beast died redd, gatherd and wrought together with great cunyng, and wretched and facioned after the forme of a diedeme. One of them had hanging at his necke a littell round plate of redd copper well polished, with an other lesser of silver in the myddst of yt (as ye shall se) and at his eare a littell plate of copper wherwithe they use to scrape<sup>114</sup> and take awaye the sweat from their bodies. They shewed unto us that there was grett store of this mettall within the cuntry, abowt five or six jurnaies<sup>115</sup> from thence, bothe on the southe and nourthe side of the same river, and that they went thither in there boates, which boates they make but of one pece of a tree working yt hollowe<sup>116</sup> so cunyngly and fyttely, that they put in one of these thus shapen boates or rather great troughes, xv or xx<sup>ti</sup> persons, and go therwith verry swiftly.<sup>117</sup> They that rowe stand upright having there owers short, made after the fashyon of a peelee.<sup>118</sup> Thus being amonges them they presented us with there meale, dressed and baked, verry good and well tasting and of good nurishment, also beanes, ffishe, as crabbes, lopsters, crevices<sup>119</sup> and many other kindes of good fishes, shewing us by signes that there dwellinges were far of, and that if there provision had byn nere hande, they would have presented us with many other reffreshinges.

The night nowe approaching we were fayne to retourn to our shippes, muche to our greef, for that we durst not hasarde to enter with our shippes by reason of a barr of sande that was at [the] entre of the porte, howebeyt at a full sea there is two fadom and a half of water at the most,<sup>120</sup> and yt is but a leap or surge<sup>121</sup> to passe this barr, not passing the lengthe of two cables, and thenfourth with every where within vj or vij fadom water, so that it makethe a verry faire haven and shippes of a meane burden from iij<sup>xx</sup> to c. tonnes may entre therein at all flodes, yea, of a farre greater burthen if there were Frenchemen dwelling there that myght scoure thentree as they do in Fraunce, and where nothing is lacking for the lief<sup>122</sup> of man. The scituation is under the elevation of xxx degrees, a good clymate, helthfull, of good temperaunce,<sup>123</sup> marvelous pleasaunt, the people gentill<sup>124</sup>

<sup>110</sup> P., *aliance*.<sup>111</sup> P., *perceyved*.<sup>112</sup> P., *payntings*.<sup>113</sup> P., *one haire*.<sup>114</sup> P., *strype*.<sup>115</sup> P., *dayes iorney*. The French original doubtless had *joursnees*. <sup>116</sup> P., *whole*.<sup>117</sup> P., *go their wayes verry safely*. <sup>118</sup> The original had probably *pelle*, shovel.<sup>119</sup> *Erevisses*, crayfish or lobsters. <sup>120</sup> P., *leaste*.<sup>121</sup> P., *over a surge*.<sup>122</sup> Life; P., *lyfe*.<sup>123</sup> P., *temperature*.<sup>124</sup> P., *good*.

and of a good and amyable loving nature, which willingly will obaye, ye, be content to serve those that shall with gentilnes and humanytie go aboute to alure them as yt [is] nedefull for all those that shalbe sent thither hereafter so to do, and as I have chardged those of oures that be lefte there to do, to thende that by these meanes they may ask and learn of them where the[y] take there gould, copper, turquises, and other thinges yet unknown unto us, by reason of the shortnes of tyme we soiurned there; for if any rude and rigorous meanes shuldbe used towards this people, they would flye hither and thither through the woodes and forestes and abandon there habitations and cuntrye.

The nexte day being the thirde day of Maye, desiering alwaies to fynd owt harborough to rest in, we sett up saile agayn, and after we had ranged the coast as nere the shore as we coulde, there appeared unto us abowt vij leages on this side the river of Maye, a great oppening or baye of some faire river, whither with one of our boates we rowed and there found an entre almost like unto that of the river of Maye,<sup>125</sup> and within the same as great a depthe and as large, dividing yt self into many sea armes,<sup>126</sup> great and brood, stretching towards the highe lande, with many other lesse that divide the cuntrye into faire and greate landes and a great number of smale and faire medowes. Being entred into them abowt 3 leages we found in a place verry comodyous, strong and pleasaunt of scituation, certen Indians who receved us verry gentelly, howebeyt we being somewhat nere there howses yt semed yt was [somewhat] agenst there good willes that we went thither, for at theire cryes and noise they made, all there wiefes and childern and howshould stuf were fledd and carried<sup>127</sup> furtewith into the woodes. Howebeyt they suffered us to go to there howses, but they themselves would not accompany us thither. There howses be fyttely made and close of woode,<sup>128</sup> sett upright and covered with reed, the most parte of them after the fashion of a pavillion, but there was one [house] amonges the rest verry great, long and broode, with settelles round abowte made of reedes, tremly couched together, which serve them bothe for beddes and seates; they be of hight two fote from the ground, sett upon great round pillers paynted with redd, yellowe and blewe, well and [trimly] pullished. Some of this people, perceving that we had [in] no mannour of wise hurted there dwellinges nor gardens which the[y] dresse verry dilligently, they retourned all unto us byfore our imbarcking, semyng verry well contented by there putting into<sup>129</sup> us watter, frute[s] and hartes skynes.

It is a place wonderfull fertill, and of strong scituation, the ground fat so that it is lekely that it would bring fourthe wheate and all other corn twice a yeare, and the comodities there for livelode and the hope of more riches be like unto those we found and considered upon the ryver of May, and men may travell thither through a great arme of the sea in hoyes and barkes as great as ye maye do in the river of Maye<sup>130</sup> without coming into the

<sup>125</sup> The St. John's. This new river was in all probability the St. Mary's.

<sup>126</sup> P., *great streames.*

<sup>127</sup> P., *they made theyr wyves and chyldren and housholde stuffe to be caryed.*

<sup>128</sup> P., *Their houses be made of wod filty & close.*

<sup>129</sup> P., *geving unto*

<sup>130</sup> All the words after *river of May*, two lines above, are omitted in P.

sea. This arme dothe devide and makethe the Isle of Maye, as many other rivers and armes of the see which we have discovered devide and make many other great islandes,<sup>131</sup> by the which we maye travell from one island to an other bitwen land and lande. And yt semeth that men may goo and saile without daunger through all the contrye, and never enter in [to] the great seas,<sup>132</sup> which were a wonderfull advauntag. This is the land of Chicore<sup>133</sup> wherof some have wrytten, and which many have gon about to fynd, for the great riches they perceived by some Indians to be found there. It is sett under so good a clymate, that none of all our men, though we were there in the hottest tyme of the yere, the sonne entering into Cancer, were troubled with any sicknes. The people there live long and in great helthe and strength, so that aged men go without staves, and are able to do<sup>134</sup> and ron like the yongest of them, who only are known to be ould by the wrynkeles in ther face and decaye of sight.

We departed from them verry frendly and with there contentation, but the flood and the night overtaking us, we were constrayned to lie in our boates all [that] night, till yt was day, fliting<sup>135</sup> upon this river which we have called Seyne,<sup>136</sup> bycause at the entrye yt is as broade as from Havre de Grace unto Honefleu. At the breake of the daye we espied on the southe side one of the fairest, pleasantest and greatest medowe ground that might be sene, into the which we went, fynding at the verry entre a longe a faire and great lake [and] an innumerable nombre of fotestepes of hartes and hyndes of a wonderfull greatnes, the stepes [beynge] all freshe and newe. And yt semeth that the people do nurishe them like tame cattell, in great herdes; for we sawe the fotestepes of an Indian that followed them. The channell and depthe of this river of Seyne is on the side of the medowe that is on the isle of May.

Being returned to our shippes, we sailed to knowe more and more of the coast, going as nere the shore as we could. And as we had sailed so all alonge about six or seven leages, there apered unto us another baye where we cast ancre twart of yt, tarring so all the night. In the morrowe<sup>137</sup> we went thither, and fynding by our sounding at the entre many bankes and beatynges,<sup>138</sup> we durst not venture to entre there with our great shippes, we having named this river Some,<sup>139</sup> which within is a leage over and of viij, ix, x, and xj fadom deapthe, deviding yt self into many great rivers, that sever the cuntry into many faire and great<sup>140</sup> ilandes and smale goodly medowe ground and pastures, and every where suche aboundance of fishe as is increadeble. And on the west northwest side there is a great river that comithe from the highe country, of a great leage<sup>141</sup> over, and on<sup>142</sup> the other on the northest side which retourn into the sea. So that (my lorde) yt is a country full of havens, rivers and islandes

<sup>131</sup> P., *this arme doth devide, & maketh many other Iles of May, as also many other great Ilandes.*

<sup>132</sup> P., *sea.*  
<sup>133</sup> P., *Checere.* On Chicora, the Indian name for the country near Cape Fear, see Gomara, *op. cit.*, xxi-xxii, and Lowery, *op. cit.*, 1513-61, pp 155, 447.

<sup>134</sup> P., *go.*

<sup>135</sup> P., *floting.*

<sup>136</sup> The St. Mary's river.

<sup>137</sup> P., *morning.*

<sup>138</sup> Probably a translation of *battures*, reefs.

<sup>139</sup> Perhaps the Satilla.

<sup>140</sup> P. omits all the words after the first *great*, at the beginning of the line.

<sup>141</sup> P., *length.*

<sup>142</sup> One. P., *another.*

of suche frutefullnes as cannot with tonge be expressed, and where in shorte tyme great and precyous comodyties might be founde. And besides theis, we discovered and founde also seven rivers more, as great and as good, cutting and deviding the land into faire and great ilandes, th'Indians inhabytantes therof like in manours, and the cuntry in fertilitie apte and comodious throughout to make suger and to beare and bring fourthe plentifully all that men would plant or sowe upon it. There be every where the highest, fayrest and greatest firr trees that can be sene, verry well smelling and whereowt myght be gotton with cutting only the bark, as muche rosin, turpentyne and frankinsence as men would have;<sup>143</sup> and to be shorte, there lackethe nothing. Wherefore being not able to entre and lye with our great vesselles there, where we would<sup>144</sup> make no long abode, nor entre so farr into the rivers and cuntres as we would fayne have don: for yt is well inough known howe many inconvenyences have hapened unto men, not only in attempting of newe discover[ie]s, but also in all places by leving there great vesselles in the sea, farr from the lande, unfurnished of there heddes and best men. As for thother rivers, we have given them suche names as followe, and unto the Indians<sup>145</sup> joining to them, the same name that the next river unto yt hathe, as ye shall see by the protracture or carte I have made thereof,<sup>146</sup> as to the fourth the name of Loire, to the vth Charent, to the vith Garone, to the vijth ryviere Belle, to the vijth Riviere Grande, to the ixth Porte Royall, to the xth Belle a Veoir.<sup>147</sup>

Upon Whitsontide, Sondaye the xvij<sup>148</sup> of Maye, after we had well perceived and considered that there was no remedye but to assaye to fynde the meanes to harborough our shippes, aswell for to amend and tryme them as to gett us fresshe water, wood and other necessaries wherof we had nede, being of opynion that there was no fayrer or<sup>149</sup> fytter place for the purpose then porte Royall.<sup>150</sup> [And] when we had sounded the entrey and the channell, (thanked be God) we entred safely therein with our shippes agenst the opynyon of many, fynding the same one of the greatest and fayrest havens of the worlde. Howebeyt, it must be remembred, lest that men approaching nere yt within vij leages of the lande, be abashed and afrayed, fynding on the east side, drawing towards the south est, the ground to be flatt, for neverthelesse at a full sea ther is every where foure fadom water keping the right channell.

In this porte are many armes of the sea depe and lardg, and here and there of all sides many rivers of a meane biggnes, where without danger all the shippes in the worlde myght be harbored. We founde no Indians inhabyting there abowt the porte and river side nerer then x or xij leages upward into the cuntries,<sup>151</sup> although yt be one of the goodlyest, best and

<sup>143</sup> P., *desire*.

<sup>144</sup> P., *coulede*.

<sup>145</sup> P., *ilands*.

<sup>146</sup> No trace of this has been found.

<sup>147</sup> On the identifications of these rivers see Lowery, *op. cit.*, 1562-74, Appendix D, pp. 394-9. It is pretty well agreed that Port Royal was the present Port Royal Sound in 32° 15'. See *ibid.*, Appendix E, pp. 399-403. The manuscript has *Lymiere* for *ryviere*, and *Belle a verir*, which P. makes *Virrir*. The correct names are given by Laudonnière.

<sup>148</sup> P., xxviii. As Easter in 1562 fell on 29 March, Whitsun was 17 May.

<sup>149</sup> From P. The manuscript has *not*. <sup>150</sup> Port Royal Sound.

<sup>151</sup> P.: 'In this parte there are manye Ryvers of meane bygness and large where

frutfullest cunteres that ever was sene, and where nothing lacketh, and also where as good and like[ly] comodities be founde as in the other places therby; for we found there a great nombre of peper trees, the peper upon them yet grene and not redy to be gatherd; also the best watter of the worlde, and so many sortes of ffishes that ye maye take them withoutt nett or angle, as many as you will; also guinea foule and innumerable wildfoule of all sortes, and in a lyttell ilande at the entrye of this haven, on the est notherest side, there is so great nombre of egretes that the bushes be all white and covered with<sup>152</sup> them, so that one may take of the yong ones with his hande as many as he will carry awaye. There be also a nombre of other foule, as herons, bytters, curleux, and to be shorte, so many smale birdes that yt is a straung thing to be sene. We found the Indians there more dowbtfull and fearefull then thothers byfore; yet after we had byn att there howses, and congratulated<sup>153</sup> with them, and shewed curtyisie to those that we founde to have abandoned their trougbotes, meale, vyctualles, and smale howshold stuf, as bothe in not taking awaye or touching any part therof, and in leaving in the place where the[y] dressed there meate, knyves, loking glasses and littell beades of glasse, which they love and esteme above gould and pearles for to hang them at there eares and necke, and [to] give them to there wives and childern, they were somewhate emboldened; for some of them came to our boate, of the which<sup>154</sup> we carriede two goodly and strong about our shippes, clothing and using them as gently and lovingly as yt was possible; but they never ceased day nor nyght to lament and at lenth they scaped awaye. Wherefore, albeyt I was willing, according to your comaundment and memoriall, to bring awaye withe us some of that people, yet by thadviz of those that were sent with us on the Princes behalf and youres,<sup>155</sup> I forbare to do so for many considerations and reasons that they tould me, and for that also we were in doubtte that, leving some of our men to inhabyte there, all the country, man, woman, and childe<sup>156</sup> would not have ceased to have pursued them for to have theires agayn, seing they be not able to consider nor waye to what intent we shuld have carried them awaye. And this may be better don to their contentation when they have better acquaintance of us, and knowe that there is no suche cruelltye in us as in other people and nations, of whom they have byn begilled under coulour of good faythe, which<sup>157</sup> usage in the end tourned to the doers to no good.

This is the river of Jordayne<sup>158</sup> in myne oppynion, wherof so muche hath byn spoken, which is very faire, and the cuntrye good and of grete consequence, both for their easye habitation and also for many other things which shuld be to long to wrytt. The xxii<sup>159</sup> of May we planted

wythoute daunger the greatest shyppes of the worlde myght bee harbored, whyche we founde no Indian inhabityng thereabouts. The Porte and Ryvers syde is nearer then tenne or twelve leagues upwardes into the countreys', &c.

<sup>152</sup> From P. The manuscript has *of*. <sup>153</sup> P., *congregated*. <sup>154</sup> Indians.

<sup>155</sup> P., *to bringe awaye some of them with vs, on the Princes behalfe & yours*.

<sup>156</sup> P., *men women & children*.

<sup>157</sup> From P., who has *which doing*. The manuscript has *with usage*.

<sup>158</sup> Probably the Pedee near Cape Fear. The name was given by Ayllon in 1526, after the captain of one of his vessels. See Lowery, *op. cit.*, 1513-61, pp. 165, 447-52.

<sup>159</sup> P., *xx*.

another colme<sup>160</sup> graven with the Kinges armes, on the southe side, in a comodyous pleasaunt and high place, at the entrye of a faire great river, which we have called Lybourne<sup>161</sup> where ther is a faire lake of freshe water verry good, and on the same side a lyttell lower towards the entry of the haven, is one of the fairest and best fountaynes that a made<sup>162</sup> may drynke of, which falleth with voyelence down to the river from a highe place owt of a redd and sandy ground, and yet for all that frutfull and of good aire, where yt shuld seme that the Indians have had some faire habytation.

Ther we sawe the fairest and the greatest vynes with grapes according, and yong trees, and smale woodes verry well smelling, that ever were sene, wherby yt aperithe to be the pleasantest and most comodious dwelling of all the worlde.

Wherfore (my lorde) trusting you will not thinke yt amisse, considering the great good and comodyties that may be brought thence into France, if we leve a nombre of men there, that may fortifye and so provide themselves of thinges necessarye, for in all newe discovers yt is the chef and best thinge that may be don at the beginning, to fortifye and people the country which is the true and chef possession.<sup>163</sup> I had not so sonne sett fourthe this thinge to our company, but many of them offered<sup>164</sup> to tarry there, yea with suche a good will and jolly curradg, that suche a nombre did thus offre themselves as we had muche ado to staye there importuntytie, and namely of our shipmasters and principall pilottes, and of suche as we could not spare. Howebeit, we have leift there but to the nombre of xxx in all, of gentilmen, souldiers, and merryners, and that at ther own suite and prayer, and of there one fre and good willes, and by the adviz and delyberation of the gentilmen sent on the behalf of the Prynces and youres, and have leift unto them for hed and ruler (following therin your goodwill) Capten Alberte della Pirie,<sup>165</sup> a souldier of long experyence and the first that from the beginning did offre to tarry; and further by there adviz, choise and will, installed and fortified them in an iland on the northe est side, a place of strong scytuation and comodyous, upon a river which we have called Chenonceau and the inhabytacion and fortresse Charle forte.<sup>166</sup>

After we had instructed and duely admonished them of that they shuld do aswell for there mannour of proceading as for there good and loving behavior of themselves towards this poore and simple Indians and there conversacon with them,<sup>167</sup> the xi of the mounthe of June last past, we departed from port Riall, mynding yett to range and veue the coast untill the xl degrees of the elevation: but forasmuche as there came upon us trublesome and cloudy whither and verry incomodyous for our purpose, and considering also amonges many other thinges that we had spent our cables and furniture therof, which is the most pryncipall and necessarye thinge that longeth to them that goo to discover cuntries,

<sup>160</sup> P., *colonne or pillor*. See Lowery, *op. cit.*, 1562-74, Appendix C, pp. 393-4.

<sup>161</sup> See Hakluyt, *op. cit.*, viii. 464.

<sup>162</sup> P., *man*.

<sup>163</sup> The words after *country* are omitted in P.

<sup>164</sup> P., *affrayed*. Cf. Hakluyt, *op. cit.*, viii. 468.

<sup>165</sup> P., *And have lefte vnto the forehead & Rulers . . . Captayn Albert de la Pierria*.

<sup>166</sup> Perhaps near the present town of Beaufort on a creek falling into Port Royal Sound. See Lowery, *op. cit.*, 1562-74, Appendix F, pp. 403-5.

<sup>167</sup> All the words after *behavior of themselves* are omitted in P.

where contynewally night and daye they must lye at ancre ; also our victualles being perished and spilte, our lacke of botswayns to sett fourthe our row bardges and boates, and leve our vesselles furnished ; the declaration made unto us of our master pilotes and some others that had bifore byn at some of those places where we purposed to saile, and have byn allredy founde by [some of] the Kinges subiectes ; the daunger also and inconvenyences that might therof hapen unto us, and that by reason of the great mistes and fogges wherof the seacen was allredy come, we percaved verry well whereas we were, that we could do no good and that yt was to late, and the good and fytttest season to undertake this thinge allredy past. All these thinges thus well considered and wayed, and for that also we thought yt mete and necessarye that your grace shuld with dilligence be advertised of that which we had don and discovered, which is of great consequence, we concluded through the helpe of God to retourn into France to make relation unto you of the effecte of our navegation.<sup>168</sup> Praying to God that yt may please him to kepe you in long helthe and prossperytie and give unto you the grace to cause this faire discoverture of this Newe France to be cuntynewed and dylligently followed.

*Mint Records in the Reign of Henry VIII*

THE question of the attitude of Henry VIII towards his currency has been dealt with thoroughly by historians. Still it may not be without interest to collect from the records the quantities of gold and silver coined at the mint throughout two periods, the first dealing with the years 1508-23, and the second, a short period, from May 1537 to May 1539.

*Amounts of Gold and Silver coined under Henry VII and Henry VIII from Michaelmas to Michaelmas, 1508-23.<sup>1</sup>*

Year.	Gold.				Silver.				
	lb.	oz.	qrs.	pt.	lb.	oz.	qrs.	pt.	dwt.
24 Henry VII to 1 Henry VIII	5,300	0½	0	0	4,298	11	0	0	0
1 Henry VIII to 2 Henry VIII	3,073	5	3	0	1,761	1	1	0	0
2 " " 3 " "	2,243	10	0	3½	612	10	1	0	0
3 " " 4 " "									
4 " " 5 " "	3,250	11	3½	1	7,233	8	0	0	0
5 " " 6 " "									
6 " " 7 " "	1,866	1½	0	5	546	3	3	0	0
7 " " 8 " "	2,379	3	0	0	96	4	1	0	0
8 " " 9 " "									
9 " " 10 " "	1,939	8½	2	2½	534	1½	0	8	0
10 " " 11 " "	2,441	1½	3½	0	242	1½	3	2	0
11 " " 12 " "	1,612	4½	0½	0	34	7	3½	0	2
12 " " 13 " "	1,201	10½	3½	4	987	2½	2½	4	0
13 " " 14 " "	652	9	0	2	7,593	0	3	3½	1
14 " " 15 " "	406	3	0	3	9,365	7½	0½	2	3

<sup>168</sup> Laudonnière has : ' which things being well and at large debated we resolved to leave the coast, forsaking the North, to take our way toward the East, which is the right way and course to our France, where we happily arrived the twentieth day of July, the yere 1562.' Hakluyt, *op. cit.*, viii. 473-4.

<sup>1</sup> Record Office, Exchequer accounts, bundle 296, nos. 2-4, 6-12 ; bundle 298, nos. 34, 35.

*Quantities of Gold and Silver coined month by month from May  
1537 to May 1540.<sup>2</sup>*

Date.	Gold.			Silver.		
	lb.	oz.	qrs.	lb.	oz.	qrs.
1537.						
May . . . . .	43	10	1	1,384	0	0
June . . . . .	149	0	0	745	6	0
June (Irish) . . . . .	—	—	—	2,345	0	0
July . . . . .	19	6	0	690	0	0
August . . . . .	33	6	0	1,430	0	0
September . . . . .	19	8½	—	90	0	0
October . . . . .	45	6½	—	964	0	0
November . . . . .	13	6	0	926	0	0
December . . . . .	33	6	0	717	0	0
1538.						
January . . . . .	36	5	0	490	0	0
February . . . . .	40	3	0	685	0	0
March . . . . .	57	9	0	1,140	0	0
April . . . . .	35	0	0	861	0	0
May . . . . .	89	0	0	1,600	6	0
June . . . . .	37	3	0	1,200	0	0
July . . . . .	62	9	0	1,401	6	0
August . . . . .	52	6	0	1,138	0	0
September . . . . .	61	4½	—	1,165	0	0
October . . . . .	130	6	0	1,555	6	0
November . . . . .	218	3	0	1,880	0	0
December . . . . .	164	5	0	1,590	0	0
1539.						
January . . . . .	199	6	3	2,525	0	0
February . . . . .	246	0	0	2,145	6	0
March . . . . .	190	10	3	3,420	0	0
April . . . . .	47	8	1	2,239	0	0
May . . . . .	85	7	3	2,224	0	0
June . . . . .	162	3	½	3,000	0	0
July . . . . .	142	8	0	3,001	0	0
August . . . . .	123	8	1	1,265	0	0
September . . . . .	76	10	0	2,500	0	0
October . . . . .	49	2	3½	1,426	0	0
November . . . . .	78	8½	—	1,454	0	0
December . . . . .	—	—	—	559	0	0
1540.						
January . . . . .	157	5	3	645	0	0
January (Irish) . . . . .	—	—	—	937	10(?)	3
February . . . . .	209	0	0	1,756	0	0
March . . . . .	144	0	0	1,678	0	0
April . . . . .	50	0	0	1,484	0	0
May . . . . .	71	1	0	1,546	0	0

The yearly totals are to be found in Exchequer bundle 296, nos. 2-12, except for the years 1511-12, 1516-17, 1517-18, 1518-19, and 1520-21. Of these all except two can be supplied from bundle 298, nos. 34, 35, which give the quantities of gold and silver coined at the mint for each month throughout certain years. Unfortunately, for the years 1511-12 and 1516-17 there appear to be no records at all.

The monthly totals have been added and the results stated

<sup>2</sup> Exchequer bundle 302, no. 20.

for each year so as to bring them into line with the other documents, and thus make one fairly complete record. Two points, however, must be noted: first, that the figures in the originals are not always clear (for example, for the month August to September of 12-13 Henry VIII the figure for silver is practically illegible, though the amount appears to be 60 lb.); secondly, that when the figures are in themselves quite legible, the way in which they are written leaves it uncertain whether the fractions belong to the weight preceding or following. The word 'plate', which occurs not infrequently, denotes a weight between the 'quarter', which would be 5 dwt., and the pennyweight. Probably it has a value less than half a quarter, that is  $2\frac{1}{2}$  dwt. But any definite conclusion seems impossible, as in one place we find 93 lb.  $6\frac{1}{2}$  oz. 6 plates.

This occasional obscurity, however, does not affect the main conclusions that may be drawn from the figures. If the average amounts of gold and silver coined yearly at the mint be calculated for the two periods it will be found, in the first period, to be for gold, approximately 2,197 lb. as compared with 2,775 lb. of silver; whereas in the second period the average amount of gold was 1,099 lb. as compared with 17,658 lb. of silver. The totals for the two periods are also significant. For the twelve years of the first period the quantities of gold and silver coined at the mint were approximately 26,367 lb. and 33,305 lb. respectively; whereas in the second period the figures are, for gold, 3,297 lb., and for silver, 52,974 lb. It must be remembered that in the year 1527 the Tower pound was superseded by the Troy pound, that is to say, by a change in the weight of the pound from 5,400 grains to 5,760 grains. Therefore, the first series of weights needs correcting in order to interpret them accurately in accordance with the Troy pound. Thus corrected the average of gold for the first period would be 2,059 lb. and of silver 2,601 lb. So also the respective totals of each metal so corrected would be 24,666 lb. of gold and 31,225 lb. of silver.

From these figures it may be deduced that by the commencement of the second period under consideration the output of gold from the mint had decidedly decreased, this falling off being chiefly in the year 1538; for during the next two years there seems to have been an effort to bring the yearly output of gold nearer to the former level. On the other hand, silver in the second period, which, be it remembered, is one of but three years, had an output more than half as much again as the total output for the twelve years comprised in the first series of records.

These two series of figures do not, of course, give a complete account for the whole reign, and so far I have not found any figures for the other years. They are, in all probability, sufficient

to give a good idea of the effect that the discovery of America must have had on currency questions, for with such a remarkable alteration in the proportion of silver to gold, the bimetallic ratio fixed by the king would no longer be in any way consistent with the real ratio. Henry VIII was, therefore, faced with a problem of exceeding difficulty. Our underrated gold was driven abroad, and inferior silver entered the country. Further, every action of our monarch was dependent on that of Charles V, who at the time monopolized the coinage of the Low Countries, Germany, Italy, and America; for although he struck no coin in Spain, his rule over that country, as well as over the Netherlands, gave him practically full powers over the coinage of the New World. When, therefore, in 1540, the Netherlands altered their ratio, Henry VIII could no longer maintain his coinage on the old basis, that of 1527. The result was that various orders respecting the coins were issued, which orders are usually regarded as the commencement of the debasement period. In order to arrive at a just estimate of Henry's action, it is necessary to keep in view the figures here recorded.

NORA MILNES.

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*List of Visitation Articles and Injunctions, 1576-1603*

THE three volumes of *Visitation Articles and Injunctions, 1536-75*, which Dr. Frere and I published in 1910 ended with the death of Archbishop Parker. Pending the preparation of a later series, it may be convenient to print a provisional list of materials for the years 1576-1603. This list includes all cases where I am certain that a series of Visitation Articles or Injunctions exists, and also documents and references to Visitations which may be found in published collections or histories. The references to printed matter in the British Museum are to contemporary texts.

W. P. M. KENNEDY.

1576. Visitation of Chichester by Bishop Curteis, with Articles of Inquiry :  
 Strype, *Annals*, II. ii. 21.  
 „ Archbishop Grindal's Articles for the Province of Canterbury :  
 Cardwell, *Documentary Annals*, i. 397.<sup>1</sup>  
 „ Grindal's Cathedral Articles for the Province of Canterbury : *ibid.*,  
 p. 417.  
 „ Grindal's Injunctions for Bangor Cathedral : Grindal's *Remains*,  
 Parker Soc., p. 183. Some *Detecta* for York Minster may be found  
 in *Yorkshire Archaeological Journal*, 58.  
 „ Bishop Piers' Articles of Inquiry for Rochester Cathedral (30  
 number) : Rochester Register 7, f. 146 v.

<sup>1</sup> This and the next two items I have collated with Grindal's Register, ff. 97, 98.

1576. Piers' Injunctions for the same (24 in number) : *ibid.*, f. 151.  
 „ Injunctions for Peterborough Cathedral : State Papers, Domestic, cix. 21. Cf. Lansdowne MSS., 619, 943.  
 „ Grindal's Injunctions for Gloucester Cathedral : Grindal's Register, f. 109 v. (These are incomplete in Strype, *Grindal*, p. 315.)<sup>2</sup>  
 (See also Lambeth MSS., Cart. Misc. xii. 42.)
1577. Royal Commission to visit Oxford to Bishops of London and Rochester : State Papers, Dom., cxii. 26.  
 „ Bishop Barnes' Injunctions for Durham : Surtees Society, xxii. See Strype, *Annals*, II. ii. 107.  
 „ Archbishop Sandys' Articles of Inquiry (22 in number) and Injunctions (21 in number) for York Minster : Sandys' Register, f. 43 v.  
 „ Articles and Injunctions for Lincoln Diocese : *printed*, British Museum, 5155. a. 20.  
 „ Bishop Aylmer's Articles for London Diocese : *Second Report of the Ritual Commission*, p. 418.  
 „ Bishop Curteis's Articles for Chichester : State Papers, Dom., cxi. 45. Cf. cxii. 13, 30.
1578. Bishop Young's Injunctions for Rochester : Young's Register, f. 20.  
 „ Sandys' Articles for York Province : *Ritual Report*, p. 421.  
 „ Visitation of Durham : Strype, *Annals*, II. ii. 165 ; Surtees Society, xxii. 65 ; *Camden Miscellany*, vi. 30 ff., 47.  
 „ Bishop Whitgift's Injunctions for Worcester Cathedral : Liber Canonum Wigorn., A. xiv, f. 58.
1579. Bishop Aylmer's Articles for London : Earl's Diary, Cambridge University Library, MS. Mm. i. 29. (Incomplete in Strype, *Aylmer*, p. 42, where another set of Inquiries from the Council is given.)
1580. Archbishop Grindal began a Metropolitan Visitation of Peterborough, Norwich, &c. : Strype, *Grindal*, p. 381. The visitation was continued in 1581.  
 „ Bishop Aylmer's Articles for London Diocese : Earl's Diary, ff. 35 v, 40. (Cf. Strype, *Aylmer*, p. 52.)  
 „ (Some *Detecta* of a Visitation of Worcester Cathedral are in Liber Canonum, A. xiv, f. 57.)  
 „ Visitation of Durham Cathedral : Surtees Society, xxii. The visitation was continued next year.
1581. Bishop Chaderton's Articles for Chester : *Chester Hist. Soc.*, xiii.  
 „ Bishop Freke visited the town of Bury St. Edmunds : Strype, *Annals*, III. i. 2.
1582. Articles for the Archdeaconry of Middlesex : *Ritual Report*, p. 424. (Cf. Earl's Diary, f. 45 v.)  
 „ Royal Commission to visit Hereford Cathedral : State Papers, Dom., clv. 40.

<sup>2</sup> In connexion with visitations there is a letter from the Privy Council, dated 22 November 1576, in Norwich Miscellaneous MS. Book, f. 182. This letter appears to have been addressed to all the bishops, and they are ordered : (i) to inquire in their visitations as to those who do not come to church ; (ii) to speak to them concerning the matter ; (iii) to cause the obstinate to appear before the authorities. Promise is given by the Council not to proceed to punish ; but the names will be useful.

1582. *Detecta* of a Visitation of Hereford Cathedral: *ibid.*, clx. 16. Cf. Archbishop Whitgift's Register, i, f. 214.
- „ Traces of a Metropolitan Visitation, evidently that begun in 1580, can be followed in Strype's *Grindal*, in Lambeth MSS., Cart. Misc. ii. 79, and in Exeter Register, ff. 21, 69 v.
1583. Archbishop Whitgift began a Metropolitan Visitation: Whitgift's Register, i, ff. 207, 223-40. (The Register contains references to his visitation in various dioceses. See Strype, *Whitgift*, for some information. Formal *Acta* of his Visitation of Worcester Cathedral are in Liber Canonum, A. xiv, f. 66.)
- „ Archbishop Whitgift's Articles (17 in number) for Bath and Wells: Whitgift's Register, i, f. 335 v.
- „ Bishop Middleton's Articles (43 in number) for St. David's: State Papers, Dom., clxv. 1, with formal certificate of Visitation.
- „ Bishop Middleton's Injunctions for St. Davids: *Ritual Report*, p. 426.
1584. Visitation of Durham: Surtees Society, xxii.
- „ Archdeacon of London's Visitation Articles: *printed*, British Museum, 5155. c. 1.
- „ Bishop Overton's Articles for Lichfield: *Ritual Report*, p. 427.
- „ Bishop Aylmer visited London: Strype, *Aylmer*, p. 70. (Cf. Earl's Diary, f. 430.)
1585. Whitgift's Articles for Chichester Diocese: Cardwell, *Docum. Ann.*, ii. 22.<sup>3</sup>
- „ Articles for Lincoln Diocese: *printed*, British Museum, 5155. a. 20 (3).
1586. Bishop Aylmer's Articles for London Diocese: *Ritual Report*, p. 430.
- „ Injunctions for Christ's College, Cambridge: Strype, *Annals*, III. ii. 440.
- „ Articles for the Diocese of Hereford: *printed*, British Museum, 1368. d. 31.
- „ Articles for the Diocese of Chichester: *printed*, British Museum, 1368. d. 32.
- „ *Acta* and *Detecta* of Bishop Freke's Visitation of Worcester Cathedral: Liber Canonum, A. xiv, f. 66 v.
1587. Archdeacon of London's Visitation, with Articles: Strype's *Aylmer*, p. 83.<sup>4</sup>
- „ Bishop Young's Articles for Rochester Cathedral: Young's Register (under date).
- „ Archbishop Whitgift visited the Diocese of Bath and Wells: Strype, *Whitgift*, i. 516. (See Whitgift's Register, i, f. 240.)
1588. Archbishop Whitgift's Articles for Salisbury Diocese: Cardwell, *Docum. Annals*, ii. 33.<sup>5</sup> These Articles were used in other dioceses.
- „ Articles for Lincoln Diocese: *printed*, British Museum, 5155. a. 20 (4).

<sup>3</sup> This I have collated with the Register, i, f. 116 v.

<sup>4</sup> This I have collated with Earl's Diary, f. 46.

<sup>5</sup> These I have collated with Register, i, f. 400.

1589. Injunctions for Norwich Diocese : Norwich Misc. Book, f. 186.  
 ,, Bishop Young visited Rochester. His Injunctions are contained in a formal address to the clergy : Young's Register, f. 186.  
 ,, Bishop Freke's Injunctions for Worcester Cathedral : Liber Canonum, A. xiv, f. 136.  
 ,, Archdeacon Drury's Visitation Articles for London (7 in number) : Lansdowne MS., lxi. 29.  
 ,, Bishop Aylmer's Articles for London : Strype, *Aylmer*, p. 104.<sup>6</sup>
1590. Articles for the Province of York : *printed*, British Museum, 1014 (14).  
 ,, Visitation of Chester : *Chetham Miscell.*, v.
1591. Articles and Injunctions for the Diocese of Lincoln : *printed*, British Museum, 698. g. 32.  
 ,, Visitation of Llandaff Cathedral : Llandaff Act Book, ii.  
 ,, Injunctions for the Province of York : Surtees Society, cxiii.
1593. Visitation of York : Piers' Register, f. 64.  
 ,, Injunctions for Worcester Cathedral : Liber Canonum, A. xiv, f. 139 v.
1595. Articles for London Diocese : Strype, *Annals*, iv. 350.<sup>7</sup>  
 ,, Visitation of Llandaff Cathedral : Llandaff Act Book, ii.
1597. Articles for Deanery of Shoreham : *printed*, British Museum, 698. g. 29.  
 ,, Archbishop Whitgift's Articles for Ely : Whitgift's Register, iii, f. 164.  
 ,, Council's Articles for London clergy : Earl's Diary, f. 37 v.
1598. Articles for Lincoln Diocese : *printed*, British Museum, 5155. a. 20 (5).  
 ,, Bishop Bancroft's Articles for London : Earl's Diary, f. 41 v.  
 ,, Bishop Bancroft's Articles for St. Paul's : Bancroft's Visitation Book, f. 74. (See also Sparrow Simpson, *Statutes of St. Paul's.*)  
 (The Schedule and *Comperta* of the Lincoln Visitation for this year are in Lambeth MSS., Cart. Misc. m. xii. 22.)
1599. Articles for the Archdeaconry of Nottingham : *Ritual Report*, p. 434.  
 ,, Bishop Bancroft's Articles for St. Paul's : Bancroft's Visitation Book, f. 20.  
 ,, Articles for the Diocese of Exeter : *printed*, British Museum, 5155. a. 19.  
 ,, Bishop Young's Articles for Rochester : Young's Register.
1600. Archbishop Whitgift's Articles for St. Asaph Cathedral : Whitgift's Register, iii, f. 217.  
 ,, Archbishop Whitgift's Articles for St. Asaph Diocese : *ibid.*, f. 218.
1601. Bishop Bancroft's Articles for London Diocese : *Ritual Report*, p. 436.
1602. Archbishop Whitgift's Articles for All Souls College, Oxford : *Oxford Statutes*, vol. i.  
 ,, Articles for the Diocese of Hereford : *printed*, British Museum, 5155. aa. 20.
1603. Articles for Bristol Diocese : *Ritual Report*, p. 440.

<sup>6</sup> This I have collated with Earl's Diary, f. 43.

<sup>7</sup> Incomplete. I have failed to find the original at Ely or Cambridge. There are references in Earl's Diary, ff. 41, 48.

*English Travellers in Rumania*

UNTIL recent times English people knew little of Rumania. No further back than four years before the Russo-Turkish war, in which the Rumanian army took a distinguished part, we find the English consul in Bucharest complaining that letters sent to that city sometimes went to India in search of Bokhara; and he even tells of a summons from London addressed, 'Bucharest, in the kingdom of Egypt'. Yet for many centuries there have been Englishmen who travelled to Rumania and recorded their impressions; but their books did not arouse interest. They have only left their trace in vague allusions in other works. Thus Peter Heylyn in his *Microcosmos*,<sup>1</sup> published in 1625, under the general heading of Dacia gives a fairly correct account of the two provinces which constituted the Rumania of his time, Wallachia and Moldavia (or Bogdania, so called from the name of her first ruler); and from what he says about the language, about the famous bridge built by Trajan near Turnu-Severin, we can see that he was acquainted with books of travel relating to the subject. Edward Brerewood in the *Enquiries of Languages* rightly excludes Wallachia from the countries where the Slavonic tongue is spoken.<sup>2</sup>

Beaumont and Fletcher mention the hall in the palace of a king of Moldavia, whose daughter, Pompiona, thus greets the knightly guest:

Welcome, Sir Knight, unto my father's court,  
King of Moldavia; unto me, Pompiona,  
His daughter dear!

though in a previous scene they confuse Moldavia with Cracovia.<sup>3</sup> Ben Jonson also in *The Silent Woman* alludes to the prince of Moldavia.<sup>4</sup> Literary critics have been puzzled by the appearance of this prince in two English comedies, and have questioned whether he was only a legendary figure or an authentic person who had really been to London, as Ben Jonson says. There are reasons for identifying him with one Stephen Bogdan, whose father, Jancu Sasul, after a troubled rule of three years in Moldavia, fled with his family to Poland. For many years Stephen Bogdan wandered about from Constantinople to Venice and London, seeking for help in order to assert his claim to the throne of

<sup>1</sup> *Microcosmos, A little Description of the Great World*, Oxford, 1625, pp. 365-6.

<sup>2</sup> *Purchas his Pilgrimes*, ed. 1625, vol. i, ch. i, p. 109.

<sup>3</sup> *The Knight of the Burning Pestle*, Act IV, Sc. i and ii; Act V, Sc. iii.

<sup>4</sup> Act V, Sc. i.

Moldavia. William Lithgow, who met him in Constantinople, says :

I cannot but regret the great loss Sir Thomas Glover, then Lord Ambassador for our late gracious Sovereign King James, received by the Duke of Moldavia, who chargeably entertained him two years in his house, and furnished him with money, and other necessaries fit for his eminency. *This Duke or Prince of Bugdania was deprived of his principalities by Achmet*, and fled hither to the Christian ambassadors for relief. To whom, when all the rest refused acceptance, only noble Sir Thomas received him, maintained him, and seriously wrought with the Grand Signior and his council to have had him restored again to his lands ; but could not prevail.<sup>5</sup>

The words we have printed in italics show only the English author's belief in the pretensions of this errant prince, who ended by turning Turk. Lithgow in his adventurous journeys happened to pass through Moldavia and Transylvania, where he found a friendly people and 'the very vulgars speaking frequent Latine'.<sup>6</sup>

A similar remark concerning the language is made also by Edward Brown, who was the first Englishman to penetrate into Macedonia through regions hardly trodden by foreigners and left us a striking passage about Perlep and Monastir. On his way thither he encountered 'many persons, who brought the tribute and a present of hawks out of Wallachia unto the Grand Signior then residing at Larissa'.<sup>7</sup> He did not actually visit Wallachia ; but travelling through Transylvania, he noted what seemed to him particularly remarkable, that a great part of those living there 'have the commendation to speak generally Latin'.<sup>8</sup>

Earlier than both these travellers was John Newberie, a London merchant, prompted to travel by a wish to see the world. He sailed from Constantinople in the year 1582, and passing by Sissopoli, Varna, he proceeded through Dobrudja to Jassy. He gives interesting notes about objects of domestic use, such as the prices of eggs, different kinds of fish, beef, bacon, and so forth. All these, as well as his details on the preparation of caviare, are much like those given by the French Fourquevaux, who travelled at about the same time.<sup>9</sup> With regard to the aspect of the people, he writes :

The children go much after the order of India, with small rings of wiar through their ears. And women goe with great knobs of silver hanging upon the upper part of their ears ; and with a great roll of linen cloth

<sup>5</sup> *The Totall Discourse of the Rare Adventures*, London, ed. 1632, p. 140. A Dutch translation appeared in Amsterdam, 1656.

<sup>6</sup> *The Totall Discourse of the Rare Adventures*, p. 416.

<sup>7</sup> *A brief Account of some Travels in Hungaria, Servia, Bulgaria, Macedonia, Thessaly, Austria, Styria, Carinthia, Carniola, and Friuli*, London, 1673, p. 45.

<sup>8</sup> *Ibid.*, p. 115.

<sup>9</sup> N. Iorga, in the *Mélanges d'Histoire offerts à M. Charles Bémont*, Paris, 1913, p. 563.

about their heads, much like a Turkes turban, and upon that a small cloth : and the upper bodies of their garments are set round about with great knobs of silver like buttons. And the yong maids weare their hair pleyted, and thereupon divers pieces of silver hanging : and upon the crowne of the head a round broad brooch of silver set with stones ; and their sleeves great and short ; and about their arms two great hoopes of silver, and at their girdles five or six paire of knives : and about their neckes they weare nothing.<sup>10</sup>

This rather picturesque description, which has been considered by some as characteristic of the Rumanian dress, applies only, we should think, to the Gipsies.

Some time later, in 1585, Master Henry Austel, who was furnished with a letter of recommendation from the Ottoman Porte, returned to England through Moldavia. He kept a short diary, from which we may quote :

The 14 of October we came to Jas the principal town of Bogdania, where Peter the Vaivoda Prince of the country keepeth his residence, of whom we received great courtesy and of the gentlemen of his Court : and he caused us to be safe conducted through his said country and conveyed without coste.<sup>11</sup>

Far more important had been the meeting of this Peter Vaivoda with William Hareborne, a merchant who was sent by Queen Elizabeth to Turkey in 1582 as an agent for commerce rather than as an ambassador. He left Constantinople after six years, and this is how he relates his journey into Moldavia :

I departed from Constantinople with 30 persons of my suit and family the 3 of August. Passing through the countries of Thracia, now called Roumania the Great, Valachia and Moldavia, where arriving the 5 of September I was according to the Grand Signior his commandement very courteously interteined by Peter his positive prince, a Greeke by profession, with whom was concluded that her Maiesties subjects there trafiquing should pay but three upon the hundreth, which as well his owne subjects as all other nations answer : whose letters to her Maiestie be extant. Whence I proceeded into Poland, where the high chancelor sent for me the 27 of the same moneth.<sup>12</sup>

He gives the Latin text of ' the privilege of Peter the Prince of Moldavia ', the earliest treaty signed between England and Rumania. The original has been searched for in both countries, but has not been traced. The British consul in Jassy reported on 1 October 1841 :

On enquiring from the present Hospodar, Prince Michael Sturdza, if the treaty existed in the present records and archives of the Principality,

<sup>10</sup> *Purchas his Pilgrimes*, ed. 1625, vol. ii, ch. ix, p. 1420.

<sup>11</sup> Richard Hakluyt, *The Second Volume of the Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation*, ed. 1599, p. 320.

<sup>12</sup> *Ibid.*, p. 426.

his Highness could not positively reply, but seemed to think it might probably have disappeared in the different invasions or revolutions of the country and government.<sup>13</sup>

In 1702 Edmund Chishull, who had been for three years chaplain at Smyrna, returned homewards in company with Lord Paget. The latter, while ambassador at Constantinople, had endeavoured to find means to send his letters more easily through the intervention of the prince of Wallachia. He often alludes to this in his official correspondence, as in 1693, when after explaining how the most convenient way is that of Wallachia, he adds :

Through the Pr: of Vallachia's hands all our letters must pass to Vienna, as from thence through Gen Veteranies with whom the Prince keeps intelligence, I suppose he will take to forward safely all that comes to his hands for me wherever I am.

After two years :

I had lately, with some charge and pains began a correspondence with the Pr: of Vallachia by which I had means to pass letters that way, conveniently for a time. . . .

And again in another report :

Since I have established a correspondence with the Prince of Vallachia, my letters pass better and more securely, than they could formerly ; if his Majesty would be pleased to have a latin letter writ to the Prince of Vallachia and therein to take notice of the civilities and kind offices his ambassador here receives from him ; the Honour would be very acceptable there and would encourage him to continue his offices ; this has formerly been don upon the like occasions.<sup>14</sup>

Thus he knew beforehand the prince by whom he was to be received with great distinction in Wallachia ; and Chishull has left us a lengthy account of their interview, and of the entertainment they had in the palace of the Prince Joannes Constantinus Bassarabas, as he calls him. A passage in his very interesting *Travels* gives the reader a glimpse of the progress of the country at that time :

The Patriarch lodges in a large *kane*, built by the present Prince ; where are large apartments and magazines for merchants, the rent of which may yield about twenty purses *per annum*, and is by the Prince consigned into that Patriarch's hands for the use of the *Holy Sepulcher*. I visited the press of this place, where I found them printing some pieces of devotion in Arabic, under the care of the Patriarch of *Antioch* to be distributed by him about his diocess. Beside this, they were undertaking to print a large folio of the famous *Maximus Hieromonachus*. . . .<sup>15</sup>

<sup>13</sup> Record Office, Consular Papers, Turkey, no. 446.

<sup>14</sup> These letters are in the Record Office, State Papers, Turkey, vol. 20.

<sup>15</sup> *Travels in Turkey and back to England*, London, 1747, p. 80.

Chishull may be said to end the first period of English travel into a country not easy of access, the main continental road to the East passing then through Belgrade, Nish, and Adrianople. Later on, with the opening of new roads and the greater facilities for travel, English visitors to Rumania become frequent, and their books are more than of a documentary interest; they contain impressions, often with judicious comments, concerning conditions of life and of the people which have not yet passed away.

In the year 1854 there appeared *Turkey; its History and Progress*, compiled from the journals and correspondence of Sir James Porter, British Ambassador to Turkey from 1747 to 1762, by his grandson, Sir George Larpent. A chapter in it on 'The Trade of the Danubian Principalities' deals with other matters as well. For instance, it describes a tribe of Transylvanian shepherds, called Mokans, whose habits are in many points similar to those of the Wlachs in Epirus:

The Mokans belong to the Wallachian race, and their mode of life is very simple. They live in earthen houses, are hardened against every sort of weather, dress in coarse linen and sheep skins, and generally live on millet broth (*mamaliga*), the national food of Wallachia. They are still on a very low standard of education, although upon a higher one than their brethren in Wallachia, and have the virtues and vices of nomadizing nations.<sup>16</sup>

At the end of the first volume there is an account of Sir James Porter's journey from Constantinople to London, in the course of which he notes:

We arrived, June 23rd, at Galatz, a poor village in Moldavia, though the Moldavians call it a town. We were, however, received with a sort of pomp, and they lodged us very tolerably at a convent dedicated to the Virgin. Five days after this we reached Jassy, the capital of Moldavia, in which the streets are formed of boards instead of being paved, nor does it meet Greek vanity in the magnificence of its buildings. We were lodged in what was called a pleasure house, belonging to the Prince; it was out of the town: as to his Highness, we left him to his own grandeur, not caring for the honour, or rather the trouble, of seeing him.<sup>17</sup>

This was in 1762. Two years later Lord Baltimore set out from Constantinople, taking the same course, through Galatz to Jassy, about which he also writes:

The streets of *Jassy* are boarded with deal boards, like our floors; the houses are all on one story, low and miserable, and very little better

<sup>16</sup> Sir George Larpent, *Turkey; its History and Progress*, London, 1854, i. 146.

<sup>17</sup> *Ibid.*, p. 375 f.

than in the scattered villages we had from time to time set up at on our journey; they are built of earth, except a few belonging to the principal *Spodars*: in one of these huts, having put up a small mattress bed to lie down on, just as I was closing my eyes to sleep, a large cow, which was on the outside my hovel, wanting provender I suppose, eat off the straw covering of the roof, run her head through it, and through the top of my bed.<sup>18</sup>

Lord Baltimore had been lodged in Jassy at a convent of St. Antonio di Padua, where the friars could speak Greek, Latin, and Italian; but they knew very little about English and asked 'whether England was in London or London in England'.

The well-known orientalist, Edward Daniel Clarke, whose books of travel are a mine of information on so many countries, visited Rumania in 1802. While later writers, with far more opportunities of knowledge, have sometimes been so ignorant as to mistake the Rumanian for a Slavonic language, it is creditable for this old traveller to have written:

Nothing appeared to us more remarkable than the language. It is not enough to say it is nearly allied to the *Latin*; it is in many respects purely so; the difference between our way of speaking *Latin* and theirs consisting only in the pronunciation.<sup>19</sup>

In a few penetrating lines Clarke gives also a true picture of the Rumanian peasant:

In the midst of their wretchedness, living in huts built of mud, and thatched with reeds, without one comfort of life, the *Wallachians* always appeared to us to be cheerful. The postillions who drove us were remarkable for their gaiety; aiming at speed even in the deepest mud, and galloping their horses at a furious rate, with shouts and songs, whenever it was possible to do so.<sup>20</sup>

Clarke pursued his journey through Transylvania. Here, for want of personal observation, he refers to and often quotes from Robert Townson, who had been in Hungary nine years before and had published a large book in 1797. At Grosswardein he found the prisons crowded, mostly with Rumanians. We know the reason; but he himself was astonished; and, on inquiring of the authorities, he was told, and repeated without comment, their usual calumny which, coming as it does from the oppressors, has an eloquence of its own:

The *Wallachians* are the most uncultivated and ferocious people of Hungary and justice is obliged to be administered to them in all its horrors. In 1785 they rebelled in Transylvania, and with great cruelty murdered

<sup>18</sup> *A Tour in the East*, London, 1767, pp. 145-6.

<sup>19</sup> *Travels in Various Countries of Europe, Asia and Africa*, London, 1810-1823, pt. ii, sect. 3, p. 582.

<sup>20</sup> *Ibid.*

many of the nobility. Their priests, whom they call *Popes*, are uncommonly brutish, and it is calculated that in twenty executions there is always a Pope.<sup>21</sup>

Thomas Thornton, who resided for fourteen years in the British factory at Constantinople, published in 1809 a book on Turkey, a great part of which is devoted to the Rumanian provinces. After describing their geographical situation, climate, and soil, he gives his own impressions :

I have traversed both principalities in every direction and retrace with vivid pleasure the impressions left by their grand and romantic scenery ; the torrents rushing down the precipices and winding through the vallies, the delightful fragrance of the lime flower and the herbs crushed by browsing flocks, the solitary hut of the shepherd on the brow of the mountain, the mountain itself rising far above the clouds, covered over its whole surface, except in the snowy regions, with a deep bed of vegetable earth, and everywhere adorned with lofty and majestic forest trees or with rich and lively verdure :—all this assemblage of beauty which once gratified my sight, still interests me in the picture which memory retains.<sup>22</sup>

To this we may add the account of Moldavia given by Adam Neale :

The face of the country consists of immense undulating lawns called steppes, of great beauty and vast extent, covered with the most luxuriant crops of grass, affording nourishment to herds of sheep, horses and horned cattle. Their monotonous aspect is only interrupted from time to time by the small round lakes, and sometimes villages of the most primeval character, surrounded by wattle fences, straggling at wide intervals along the grassy brows of the hills—no trees—a few thickets—no hedges, landmarks, or divisions of territory, here and there some fields of maize—hares, coveys of partridges, and other game hopping tamely along the sides of the roads—these roads almost without a pebble, and so smooth that the wheels of the carriage glide silently along, as if on the sandy beach by the shores of the sea. The Moldavian peasants, who are occasionally met driving bullock-wains of the simplest form and construction, are a rough, hardy, and simple race, clad in white woollen, or linen garments, sheep-skin caps and sandals—according with every surrounding object to inspire the idea of pastoral life in the very infancy of society, when every image and emotion was simple, peaceful and innocent.<sup>23</sup>

The next traveller in chronological order, William Macmichael, has an additional interest for us, beyond that due to his keen observation, in the fact that he is one of the very few who entered Moldavia by way of Bessarabia. He gives a bright description

<sup>21</sup> *Travels in Hungary*, London, p. 256.

<sup>22</sup> *The Present State of Turkey*, London, vol. ii, ch. ix, p. 329.

<sup>23</sup> *Travels through Some Parts of Germany, Poland, Moldavia and Turkey*, London, 1818, p. 155.

of his visit to the Prince Calimachi. On his arrival at Bucharest, he saw an elegantly bound book—the political code of Moldavia published at Jassy by the said prince—intended to be sent as a present to the university of Oxford.<sup>24</sup> To record here what Macmichael and other travellers of his time had to say about the principal aspects of Rumanian life, would be simply to repeat statements on which, more or less, they all agree. We gather from them that in both provinces there are two distinct classes: the enduring, hard-working peasants, and a small body of rich people, living in luxury and given over to gambling and intrigues. The two towns of Jassy and Bucharest, to which this latter class are mostly attracted, offer a curious, sometimes grotesque mixture of civilized manners and oriental indolence. With regard to the political situation, such was the state of affairs that none could believe in the independence of the provinces; nor could one be aware of the great power of life fermenting there among the mass of the population. Under these circumstances, the British government did not think it necessary to appoint representatives. In Jassy there was no British consul before the year 1836. The British consulate in Bucharest, of an earlier date, had an able chief in the person of William Wilkinson, to whom we owe a valuable book,<sup>25</sup> which gives a true picture, though now and then in very gloomy colours, of the life at that time.

Many things have changed since. Following on these travellers, it is interesting to see how new influences, new ideas of progress, work out for the making of modern Rumania. The publications on the subject become more and more numerous; <sup>26</sup> and we can here only refer to the book of J. W. Ozanne, which is the most sympathetic. During three years' stay in Rumania he did not keep aloof; he laughed and sorrowed with the people, he drank from their pleasures, he felt the particular charm of Bucharest, that romantic veil which still floats about it—the quiet streets, the white houses lost between gardens, from which spreads the intoxicating perfume of limes and acacias; the sunny days and warm nights full of Gipsy songs; and a subtle inexpressible atmosphere permeating the whole. Therefore he is anxious to

<sup>24</sup> *Journey from Moscow to Constantinople*, London, 1819, p. 92. The whole narrative, concerning us, of Macmichael's journey has been translated into Rumanian by Professor N. Jorga, who likewise utilized some of the works of English travellers in his great *Istoria Literaturii Române în Secolul al XVIIIlea*.

<sup>25</sup> *Account of the Principalities of Wallachia and Moldavia*, London, 1820. Details on the establishment of the consulates are to be found in p. 183 and also in the consular report, before referred to.

<sup>26</sup> Among the more important are *Travels in Georgia, Persia, Armenia . . .*, by Sir Robert Ker Porter, London, 1821; *Travels to and from Constantinople*, by Capt. Charles Colville Frankland, London, 1829; and *Travels in Western Caucasus*, by Edmund Spencer, London, 1838.

advise his countrymen to pause a little and reflect before settling in Rumania, because, says he,

people find it a very hard task to tear themselves away from Moldo-Wallachia. Much though they may dislike it, it still has for them a power of fascination simply unaccountable.<sup>27</sup>

Writing on the eve of the Berlin Congress, his last pages have a special significance, and the author concludes with the sentence :

Nor should Europe ever forget that Wallachia and Moldavia formed for centuries a rampart against the successive invasions of multitudes of barbarous hordes.

M. BEZA.

<sup>27</sup> *Three Years in Rumania*, London, 1878.

## *Reviews of Books*

*De Oud-Christelijke Monumenten van Spanje.* Door Dr. E. L. SMIT.  
(’s Gravenhage : Nijhoff, 1916.)

THIS compact and well-arranged volume is a most useful addition to the many works upon epigraphical research in the Roman catacombs, in the Rhone valley, in North Africa, in Asia Minor, and elsewhere, which have thrown such a flood of light upon Christian history in the first centuries. Following in the steps of de Rossi, Marucchi, and Wilpert, and taking as a model Le Blant’s *L’Épigraphie chrétienne en Gaule et dans l’Afrique Romaine*, Dr. Smit has used the material collected by Hübner in his *Inscriptiones Hispaniae Christianae* and *Inscriptiones Hispaniae Latinae*, C. I. L. vol. ii (together with the result of his own personal researches), in this present effort to obtain some contemporary and authentic information about the life, doctrine, and practices of the Christian Church in the Iberian peninsula during the period from the fourth to the seventh century. It is a dark and confused period of conflict and persecution, and all additions to our meagre knowledge of such a time, however fragmentary, are precious. It is to be regretted that Dr. Smit’s book should have been written in a language which makes it only accessible to a limited number of readers.

When the author speaks of Spain, he explains that he means the Roman *Hispania*, the whole Iberian peninsula. In this region Hübner found 376 old Christian inscriptions, and 51 more have been since discovered and are given in an appendix to this volume; and to these should be added 32 sarcophagi. These numbers compare badly with the 1,200 inscriptions and 200 sarcophagi of Gaul, and are due in the first place to the destruction wrought by the barbarian invaders, Vandals, Suevi, and Goths, who were Arians and fiercely persecuted the latinized Catholic population, and later by the domination of the Moors, which lasted for many centuries. The great majority of the inscriptions date from the West-Gothic period; only 22 can with certainty be attributed to the fourth or earlier centuries, 42 to the fifth, 113 to the sixth, 85 to the seventh century. Only a single example, A. D. 387, bears a consular date.

It is noteworthy that the rules laid down by Le Blant from his examination of Gallic inscriptions, that certain formulas are strictly confined within fixed chronological limits, are only binding locally and do not apply to Spain. In Spain in almost every instance these formulas appear later than in Gaul, and often continue in use for a century or more after the date assigned by Le Blant for their disappearance: a warning that

deductions made from the phenomena exhibited in a particular district are not to be regarded as applicable universally. The language of these inscriptions (with the exception of a small number in Greek due to the Byzantine invasion of the middle of the sixth century) is provincial Latin. Dr. Smit points out how with the decadence of the classical language the distinctive characteristics of modern Spanish already begin to appear: the interchange, for instance, of the letters *b* and *v*, i. e. *bibit* for *vivit*, *bocatus* for *vocatus*; the placing of *e* or *i* before *s* impure; the dropping of duplicated consonants, e. g. *iclesia* for *ecclesia*, Span. *iglesia*, *cvater* for *quattuor*, Span. *cuatro*. In Lusitania he has noticed contractions similar to those found in Modern Portuguese, and mentions that the Portuguese still employ the terms *secunda feria* . . . *sexta feria*, for the days of the week from Tuesday to Saturday. He makes a slip however in this assertion: *secunda feria* is Monday, Saturday is *Sabbado*.

That Spanish epigraphy deserves special study is brought out by the fact that the terminology of the inscriptions in the peninsula has little in common either with that of the Roman catacombs, of Gaul, or of North Africa. It has peculiarities of its own. The expression *FAMULUS DEI* or later *FAMULUS XPI* is spread all over Spain, but it is not found at Rome or North Africa, only in a few places in the Rhone valley, and once at Boppard on the Rhine. The words *accepta poenitentia* are only met with once outside the peninsula. All these facts, as well as its early use of the Mozarabic Liturgy, point to the Christian Church in Spain possessing great independence. Our author comes to the conclusion that its origin was not due to any missionary efforts from the Rhone valley, whose Christianity was of the Eastern Greek type, nor indirectly from Rome by way of North Africa. The use of the Vetus Latina version in Spain is not sufficient to prove this in face of the totally distinct terminology of the inscriptions of Algiers and Mauretania and those of the neighbouring country. If, however, the first preaching of the Gospel came direct from Rome at a very early period, the distance and the growing cessation of intercourse between the province and the capital would easily account for the terminology of the inscriptions in the catacombs differing from that of the Spanish inscriptions in the fifth and succeeding centuries. May I not suggest that there are strong grounds for believing that Christianity had already been planted in Spain in the middle of the first century, for St. Paul, when he visited that country in A. D. 63 or 64, after expressing the wish to do so some years earlier, probably acted in response to an invitation? In any case the first organization of the infant church would be due to him, and to the disciple or disciples whom he left behind in charge to continue his work.

The evidence of the inscriptions upon the state of Christian society and the conditions of social life is discussed under a series of separate headings in chap. iii. As is well known, there was a great mixture of races in Spain in the sixth and seventh centuries, but an analysis of the inscriptions proves that the proportion of the latinized population to that of the Teutonic invaders and settlers was about ten to one, and that the former occupied the towns, the latter the country districts. In chapter iv the author deals with the high reverence paid to saints and martyrs. Their

protection is implored, a resting-place near their feet is eagerly sought, and their prayers are asked for. The cult of the Blessed Virgin begins to develop from the fifth century; the term *Dei Mater* is applied to her, and she is held in ever-growing honour as the pure ideal of maidenhood. In an inscription at Merida the title is given to her of *Virgo Virginum Mater*. In Spain as elsewhere (chapter v) we come across two conceptions of the state of the departed: the one that the souls of the righteous pass immediately into a state of bliss in the presence of God, the other that the soul abides in an intermediate condition of slumbering existence awaiting the resurrection of the body at the last day of judgement. The weakness of the hold of the latter conception is shown by the increasing frequency with which the prayers of the dead are sought by the living, but at the same time the prayers of the living on behalf of the dead are asked for, pointing to a conscious or unconscious confusion of ideas, a confusion which may be said to exist in the minds of many good Christian people still.

For further details on points of belief the reader must be referred to the book itself. It only remains to draw attention to a marked distinction which these inscriptions exhibit between Spanish Christianity and that of all other western lands, namely, on the emphasis that is laid upon the conception of sin, on the necessity of penitence and the need of divine grace. The emphatic recurrence of the word *poenitentia* gives, as our author says, a *cachet* of its own to Spanish Christianity. And it must be remembered that the liturgical and other stereotyped formulas that are met with in the inscriptions are much more ancient than the inscriptions themselves. Whenever a particular formula is found recurring upon the monuments of a special district, we may be sure that it was derived from a 'handbook' drawn up for the use of the *Quadratararii* or *Lapidarii*. Before these terms found their way into such a handbook at all they must have acquired a certain recognized position in Christian thought and have a lengthy tradition behind them. When in the seventh century we find the words *ACCEPTA POENITENTIA* or *POENITENS* as a standing formula, we may be certain that its regular church use dates from at least the time of Hosius of Cordova, the protagonist at Nicaea of the western bishops in the struggle against Arianism. Perhaps the most striking of such inscriptions is one which directly mentions forgiveness as having been received in the Lord's Supper, and which also contains the characteristically Spanish expression *famulus dei*, signifying (according to Dr. Smit's conjecture) a baptized Christian. It runs as follows:

FLAVIANVS VIXIT  
 ANNVS IN CHRISTO  
 PLVS MINVS LXV  
 IN CENA DEI ACCE  
 PIT PENITENTIAM  
 FAMVLVS DEI INDVLGE  
 NTIA DEFVNTVS EST  
 ET REQVIESCIT IN PACE  
 IIITIO KALD APRILIS  
 ERA DCLXXIIII

The volume has an index of names and also an index of subjects, some reproductions of photographs of monuments, and a map containing the names of all the places where old Christian monuments and inscriptions have been found, with numerals denoting the century. GEORGE EDMUNDSON.

*Early Worcester MSS. ; Fragments of Four Books and a Charter of the Eighth Century belonging to Worcester Cathedral.* Edited by CUTHBERT HAMILTON TURNER. (Oxford : Clarendon Press, 1916.)

OUR cathedral libraries have not always been fortunate in their custodians. Not to go further back than the last century, only seventy years ago in a southern cathedral its earliest Cartulary, dating from the twelfth century and in the original finely stamped binding, was used to heighten the seat of a small choir-boy, and the same precious manuscript was afterwards sold on the plea of raising funds for the purchase of modern theology. As it passed into safer keeping at the British Museum this alienation, however unjustifiable, might perhaps be condoned ; but there could be no excuse for allowing initials to be cut out of illuminated manuscripts or for the folly of pasting down charters in volumes and letting them rot. Though, as a recent law-suit indicates, the carelessness that leads to losses of books has hardly yet been eradicated, such scandals are happily no longer possible, and capitular bodies everywhere are now more fully alive to the value of the scanty salvage which came to them from the libraries of the older dissolved foundations. That such is the case at Worcester has already been shown by Floyer and Hamilton's *Catalogue of MSS. preserved in the Chapter Library of Worcester Cathedral* (1906), and there is still stronger proof of it in this important volume. For its publication we are chiefly indebted to the librarian, Canon J. M. Wilson, whose zeal and activity in an office which some might have been disposed to regard as little more than honorary are warmly recognized in the preface. With the approval of the dean and chapter he was also responsible for securing the services of Mr. C. H. Turner as editor, and a wiser choice could not have been made. In his *Iter Dunelmense* and other works Mr. Turner has shown a peculiar aptitude for dealing with palaeographical and other problems connected with early manuscripts, and his thorough treatment of the few fragments which form his materials here may serve as a model for all who are engaged on similar studies.

These early Worcester manuscripts consist only of fifteen leaves or portions of leaves from four different volumes of the eighth century, with a slightly imperfect charter dated A. D. 770, and nothing more of so early a period, or indeed earlier than the tenth century, is still preserved there. They are all reproduced in collotype, and the thirty-two plates are accompanied by introductions and transcriptions of the text, together with four no less valuable appendices. From a note by Canon Wilson on their recent history it appears that thirteen of the leaves were pasted down to the covers of later manuscripts in the Chapter Library, while the other two, a conjugate outer pair, were found loose. The most interesting fragment in some respects comes from a manuscript of the Vulgate Gospels. Of the three leaves which survive, two are consecutive and contain the

last chapter of St. Matthew from verse 5 with the colophon, followed by the title and table of chapters of St. Mark ; the third, which is mutilated, gives portions of St. Mark x. 26-42. Small as the fragment is, it happens to include three different styles of hand, all apparently by the same scribe, viz. large, rather slender capitals, or what Mr. Turner calls 'a sort of square uncial', though there are no uncial forms, in the colophon and title, insular minuscules in the table of chapters, and fine insular semi-uncials in the text. On palaeographical grounds there is no doubt as to the date and English origin of the manuscript, and Mr. Turner's careful analysis of the text makes it clear that it is neither Irish nor Italo-Northumbrian but of the Canterbury type, having the closest affinity with the well-known Canterbury or Corpus Christi Gospels (X) now at Cambridge. Whether the manuscript was actually written at Worcester is not so certain, though it is highly probable. Enough of it, however, remains to show that it was 'a good specimen of a good text', and its almost total destruction is therefore the more to be deplored. The fragments of two pairs of conjugate leaves from a copy of St. Jerome's Commentary on St. Matthew have a special interest, for the manuscript appears to have been of Spanish origin, as is shown by the Spanish forms of abbreviation in the heavy uncial hand in which it is written. How it found its way to Worcester it is impossible to say, but it probably did so at an early period. As Mr. Turner points out, the question of the extent to which both Spanish theology and Spanish manuscripts penetrated beyond the Pyrenees in pre-Carolingian times has recently attracted a good deal of attention among scholars, and this manuscript from Worcester must now be added to others which have already come to light in Italy and France. At the same time the value of the fragment is enhanced by the result of Mr. Turner's close examination of its readings. There are, it appears, only two manuscripts of the Commentary earlier than the accession of Charles the Great in A. D. 768, one from Reichenau and the other from Echternach. The Worcester fragment is therefore, so far, the sole existing evidence as to the text in use either in Spain or in this country in these early times, while of the two families into which the Carolingian manuscripts are divided it strongly supports one as against the other. The six consecutive leaves, not all perfect or legible, from a manuscript of the *Regula Pastoralis* of St. Gregory, are in a singularly fine and regular semi-uncial hand which says much for the efficiency of the Worcester scriptorium if the manuscript, as is most likely, was written there. Otherwise they are of no particular importance, but they give occasion for some interesting remarks on the popularity of St. Gregory's works in England both before and after the Carolingian revival of learning. The last literary fragment is also connected with St. Gregory, being two leaves from a manuscript of the extracts from his works made by Paterius under the title *De expositione Veteris ac Novi Testamenti*. The hand is a rather rough uncial, which has no appearance of being English. Even the vertical zigzag abbreviation for final *m*, on which Mr. Turner relies, is not wholly confined to insular scribes (Lindsay, *Notae Latinae*, p. 342). If, however, the manuscript was imported, like the Spanish Jerome, it must have been comparatively soon after it was written, since the not much later corrector uses insular forms.

Mr. Turner's collation of the text with three continental manuscripts shows a near relationship with one of two at Cologne.

Unlike the preceding fragments, the charter of A. D. 770, in which Uhtred, 'regulus' of the Hwiccas, grants land for three lives, with reversion to the church of Worcester, is not here reproduced or printed for the first time, nor has it been continuously at Worcester since the eighth century, having been recovered by purchase in 1878. Apart from the interest it possesses in itself and in connexion with two others, now lost, relating to the same land, it supplies Mr. Turner with a motive for a general account of pre-Conquest Worcester muniments, with a list of those dated between A. D. 680 and 836. He is, however, not quite right in saying that besides this original at Worcester only 'two or three' others of Anglo-Saxon times are now extant. In addition to the three he mentions in the British Museum there appear to be several more among Additional Charters 19788-19802, which formerly belonged to Christopher, 1st Viscount Hatton, and another (Aug. ii. 30) in the Cotton Collection (*Index of Charters*, ii. 820, *Cat. of Additions*, 1854-1873, ii. 803). He also makes a curious slip in speaking of the founder of the Cotton Library as Sir 'Henry' Cotton. Fortunately copies of some two hundred are preserved in Hemming's Cartulary compiled near the end of the eleventh century, and a few in a still earlier Cartulary, of which four leaves survive in Cotton MS. Nero E. 1, and two others (one a fragment), recently discovered by Mr. W. H. Stevenson, in Lord Middleton's library. Of the originals we learn that ninety-two were seen at Worcester in 1643 by Dugdale, whose list of them was printed by George Hickes, then dean of Worcester, in his *Institutiones Grammaticae* in 1689. As Hickes does not explicitly state that they were still at Worcester; Mr. Turner infers that they had disappeared during the Civil War, but it seems more likely that, instead of heading the list 'In ecclesia Wigorniensis', he would have stated the fact if they were *not* still there. He gives a supplementary list of fifteen not included by Dugdale, and he may metely have utilized the latter's list so far as it went and added to it its omissions. All that is certain is that the whole hundred and seven had disappeared before the publication of Hickes's *Thesaurus* in 1705, and as the Civil War was not responsible for the loss of the fifteen, it may have been equally innocent with respect to the ninety-two. Besides these two lists, twenty-four originals, most of which Mr. Turner has identified in Dugdale's list, were catalogued by Wanley in vol. ii of the *Thesaurus* as being then in the hands of Lord Somers, after whose death (1716) they were published in Smith's edition of Bede (1722). These originals, too, are now lost, having probably been burnt in the disastrous fire at Charles Yorke's chambers in Lincoln's Inn in 1752. The series mentioned above which belonged to Lord Hatton, who died in 1706, seems to have escaped Mr. Turner's notice and has not yet been analysed. Probably the one original now at Worcester was once included in it and went astray about the time the Hatton charters were acquired by the British Museum in 1873.

Fate, which has dealt so hardly with the Worcester muniments, has been more lenient with the manuscripts, though no doubt a large number have perished. Besides those still in the Chapter Library, Mr. Turner

gives in an appendix an annotated list of seventy preserved at Oxford, Cambridge, the British Museum, and elsewhere. Nineteen of them are, wholly or in part, in Anglo-Saxon, the most important being the actual copy of King Alfred's translation of St. Gregory's *Regula Pastoralis* which he sent to Bishop Werfrith. Possibly more will be discovered hereafter, especially when the Cotton and Harley collections are re-catalogued, but the difficulty of identification is increased by the lack of any recognizable system of old Worcester press-marks. Some help, however, is given in the case of Anglo-Saxon manuscripts by Latin glosses in a very shaky hand which is undoubtedly that of an aged Worcester monk of the twelfth century, and a table of contents in a hand of about A. D. 1400 lately noticed by Dr. Craster to be attached to the outside of the cover at the end of Worcester books also supplies a valuable clue, which librarians will do well to bear in mind. In another appendix Mr. Turner discusses the lost Bible which Offa is said to have given to the church of Worcester at the end of the eighth century, and makes the suggestion that it is represented by the ten leaves of a Bible discovered by Mr. W. H. Stevenson in Lord Middleton's library and another leaf, evidently from the same manuscript, purchased by Canon Greenwell in a curiosity shop at Newcastle and presented by him to the British Museum. There is little, if any, doubt that these fragments belonged to one of the two Bibles which Ceolfrid caused to be written in Northumbria, A. D. 700-15, for Jarrow and Wearmouth at the same time as the famous Codex Amiatinus. It is difficult to believe that either would have been alienated within a century, but, although hardly susceptible of proof, Mr. Turner's theory is an attractive one, and the Worcester provenance of Lord Middleton's leaves receives some slight support from the fact that a fragment of the Oswald Worcester Cartulary was also found in his library. Two more appendices, one on the letter of Senatus, prior of Worcester at the end of the twelfth century, concerning the Eusebian Canons, which is printed in full for the first time, and the other on a list of Worcester monks about A. D. 1100, together with a valuable note by Dr. H. M. Bannister on a Worcester calendar of St. Wulstan's time, complete a volume which does the greatest credit to all concerned in its publication.

G. F. WARNER.

*Recueil d'Actes relatifs à l'Administration des Rois d'Angleterre en Guyenne au XIII<sup>e</sup> siècle. (Recognitiones Feodorum in Aquitania.)* Transcrits et publiés par CHARLES BÉMONT. (*Documents Inédits sur l'Histoire de France.*) Paris: Imprimerie Nationale, 1914.

THE Wolfenbüttel manuscript, called *Recognitiones Feodorum in Aquitania*, has long been known by reason of its full though inexact notice by Martial and Jules Delpit, and later by its partial publication in the *Archives Historiques de la Gironde*. A work of such importance can, however, be only properly appreciated when fully set forth in print with appropriate elucidations. M. Bémont has, therefore, done a service of the first importance to scholarship in issuing the text, and editing it with all the care and learning that the greatest living master of Anglo-Gascon history has at his disposal. He has produced a book which will be as indispensable as his admirable

edition of the Gascon Rolls of Edward I for the elucidation of the history of the English kings' greatest French possession in the thirteenth and early fourteenth centuries. By a strange sport of chance this volume, based upon photographs of an Anglo-Gascon manuscript in German custody, sees the light in the midst of the great war between the nations concerned.

In an exhaustive introduction M. Bémont shows that the Wolfenbüttel manuscript, which since the early seventeenth century has been in the library of the elder line of dukes of Brunswick, belongs to a series of analogous surveys and recognitions of military service, once preserved in the archives of the constables of Bordeaux, all of which have disappeared, either from Bordeaux or from Paris, whither some seem to have been transferred. But it may be added to what M. Bémont says that the exigencies of the public service, at or soon after the time of their compilation, had led to the multiplication of transcripts of a large number of Anglo-Gascon documents, so that there might be copies of them not only at Bordeaux but at the Westminster exchequer, and in the archives of the king's wardrobe in England. Doubtless duplicates of the register in question were preserved in all these places. It is known that an attempt was made, under Edward II, to calendar those Gascon documents existing in England, and that a fire at the castle of Bordeaux had, as early as 1315-16, compelled the officials of the constable there to request that transcripts of missing records should be provided them from England.<sup>1</sup> Moreover, the calendar of English records concerning Gascony, drawn up in the exchequer by 1322, and still fortunately preserved among the exchequer records,<sup>2</sup> enumerates among its contents a 'registrum de feodis et homagiis ducatus Aquitanie', which, if not our Wolfenbüttel volume, clearly belonged to the same species.<sup>3</sup> Besides this, the palaeographical details which M. Bémont gives, and also the names of the seven revisers and nine copyists of the manuscript, all duly recorded in it, suggest an English rather than a Gascon provenance for it. It should be noted too that the Gaignières transcript in the Bibliothèque Nationale, quoted by M. Bémont on p. iii as closely akin to the Wolfenbüttel manuscript, was a wardrobe document, existing in the wardrobe archives at the Tower of London in 1319 and then delivered by the keeper of the wardrobe to the exchequer, probably for the convenience of the calendar makers.<sup>4</sup> Some, at least, of the transcribers of the Wolfenbüttel manuscript can, moreover, be obscurely traced in the chancery rolls of the latter part of Edward I's reign as working in England, and none, so far as I can see, in Gascony. Also the majority of their names savour of England rather than Gascony, and it is unlikely that there were so many English clerks employed at the castle of Bordeaux that the mere transcription of so long a document should have been

<sup>1</sup> See my *Place of the Reign of Edward II in English History*, pp. 190-1.

<sup>2</sup> See for this E. Déprez, *Le Trésor des Chartes de Guyenne*, in *Mélanges offerts à M. Charles Bémont*, pp. 225-42.

<sup>3</sup> *Ibid.*, p. 231.

<sup>4</sup> M. Bémont (p. iii) says this manuscript 'existait en 1319 dans les archives de Guyenne'. It was in the archives of the wardrobe. On p. xxiii 'chancellerie anglaise' should be corrected to 'échiquier' or 'garderobe'. The English exchequer and wardrobe were not dependent on the chancery for their clerks.

assigned to foreign scribes. Further, the gross confusion of Gascon place and personal names, and the ignorant extensions of the abbreviated words in the documents written in Gascon, point to an English origin. On the whole, then, I am inclined to think that it is quite as likely that the duke of Brunswick got his manuscript by some theft or careless dispersion of English as of Gascon archives, and that its original home may well have been our wardrobe or exchequer rather than the castle of L'Ombrière. If it came from Bordeaux to Brunswick it very likely was, in origin, an English-made transcript, dispatched perhaps to Aquitaine in compliance with the request already referred to. These points are not important, as in any case there were sure to be copies of such a record both in England and in Gascony.

Whatever be the home of the copyists, the documents in the manuscript are thoroughly Gascon. We see this in the method of dating, which is carefully examined by M. Bémont. Instances of this are to be found in the confusions between the system which begins the year at Easter and that which adopts the style of the Annunciation, and the fashion of some of the Gascon scribes of dating the day of the month backward from the end of the month. We see it still more in the large proportion of notarial instruments, drawn up in 'public form' by notaries of Bordeaux and other Gascon cities. Yet northern influence is also discernible in the fair proportion of recognitions under the seal of the tenants.

M. Bémont shows conclusively that the recognitions originate from a commission given by Edward in 1259 to his seneschal, Drogo de Barentin, to ascertain the ducal rights in Gascony, to which was added an injunction to his Aquitanian subjects to declare on oath their obligations to their prince. The earliest recognitions went back to 1263, but the great bulk belong to 1273-4, when Edward, already king, was personally in Gascony and actively reforming its administration. The editor indicates how similar inquests took place in the domains of Alfonse of Poitiers when that great fief lapsed in 1271 to the French crown. He rightly compares his documents to the analogous inquiries that resulted from the English Statute of Gloucester of 1278. But a still closer analogy to the Gascon inquests in this volume is to be found in the charters of acknowledgement of military service which occupy so large a part of the Red Book of the Exchequer, some of which take us back to the earliest stages of feudal obligation. A comparison both of the form and substance of the two series of documents would be well worth making, and be certain to throw great light on the points of similarity and dissimilarity of English and Aquitanian feudalism. At first glance one is struck by the lightness of the feudal services of the Gascon barons. But to develop this point is neither the business of M. Bémont nor of his reviewer.

The record is not limited to the ascertainment of military service. It is, like so many medieval documents, extremely miscellaneous in its contents, being, as M. Bémont says, a cartulary of Edward's acts as duke between 1254 and 1272, as well as a register of royal rights and of the obligations of his tenants to perform military service. It has, in the former relation, a great value for the political and administrative history of

Edward's government of Gascony before his accession to the throne, and that quite apart from its permanent value as illustrating the constitutional relations of the Gascon subjects to their duke. Here again there is new material for the historian, since this side of the Wolfenbüttel document is much less known than the other.

The editing, it is needless to say, is of that high standard which we have long expected from any work of M. Bémont. It is as respects text, annotation, introduction, and index, a model of how a record publication ought to be edited. Both in the notes and in the extraordinarily complete index the place and personal names are equated with precision and authority to their modern equivalents. The only difficulty in using the index is caused by the fashion of indexing each person under his Christian name, and this is hardly a serious trouble to the industrious inquirer.

T. F. TOUT.

*England's First Great War Minister.* By ERNEST LAW. (London: Bell, 1916.)

MR. ERNEST LAW has in happier days done useful work on Hampton Court, Holbein portraits, and alleged Shakespearian forgeries; but the war has been too much for his historical judgement, and his present volume is as much the product of political circumstance as of historical research. Its aim is indicated by its lengthy sub-title, 'How Wolsey made a New Army and Navy and organized the English Expedition to Artois and Flanders in 1513, and how things which happened then may inspire and guide us now in 1916.' The choice of a hero is not very appropriate, nor is the inspiration particularly happy. The organizers of Crécy and Calais, Poitiers, or Agincourt might put in a better claim to be England's 'first great war minister', and we may hope that the present war will prove to have been better inspired and lead to more substantial results than the campaign in Artois and Flanders in 1513. One meretricious victory, the Battle of Spurs, and a five years' tenure of Thérouanne and Tournay were all that England had to show, and within three years an English diplomatist wrote that 'everything was French from Calais to Rome'. Yet, as a result of this 'looking back into English history, we can forecast with unerring certainty, what will be the end of the great struggle on which we are engaged to-day' (p. x). The book is in fact largely an expression of Mr. Law's patriotic feelings against Germany and personal feelings against many of his own countrymen.

Wolsey is simply a foil to all our ministerial imperfections, and Mr. Law writes of all his real or imaginary achievements in terms of ecstatic admiration; to his suggestion or initiation have been due all the elements of our national strength, our finance, our army, navy, command of the sea, foreign policy, and colonial empire; and Mr. Law's deduction from his study of Wolsey's greatness as a war minister, as illustrated by the campaign against France, is that 'avoidance of military enterprises on the Continent and peace and amity with France' were 'the very groundwork and foundation of all Wolsey's foreign policy' (p. 169).

The interesting details with which Mr. Law has garnished his picture

of Wolsey have long been accessible in Brewer's *Letters and Papers of Henry VIII*, and we have only space to illustrate from one of his chapters the judgement and scholarship with which they have been used. We take his chapter on 'Wolsey's War Budget of 1513'. We pass over the manifold anachronisms involved in the application of the word 'budget' to the grants voted at that time and in their attribution to a man who had no seat in the parliament which voted them; for no parliament sat in 1513 at all. Mr. Law has calmly 'on internal evidence' transferred a speech, calendared by Brewer under 4 March 1514, to an imaginary session in the summer of 1513; and out of an apparent confusion between the grants voted in November–December 1512 and in January–March 1514 he has constructed an analysis of a 'budget' for 1513. Then, not having consulted the Rolls (printed in front of some copies of vol. i of the *Lords' Journals*), he relies upon the accounts of the vote given by a Venetian, Lord Herbert of Cherbury, and Lingard, and finds it 'difficult to reconcile them' or 'to form a clear idea of its exact nature' (p. 44); for one thing, he repeats Herbert's misprint of 'two fifteenths and four demies' and values four marks at £4 5s. 4d. Next, he complains of the neglect of this epoch-making budget by Hall, Grafton, Hume, Hallam, Stubbs, and even Brewer himself. We hope he did not expect to find it in Stubbs's *Constitutional History*; but if he had looked at the bishop's *Seventeen Lectures* (ed. 1887, pp. 287–9), where there is a summary account of Tudor finance, or in Dowell's *History of Taxation*, he might have been saved from some egregious blunders. Finally, finding nothing in Brewer about the first great budget of England's first great war minister 'with its counterparts in the war budgets of 1915 and 1916' (p. 46), Mr. Law proceeds to attribute to it Brewer's description of Wolsey's demands ten years later as 'his first attempt at taxation on a scientific and impartial basis'. In fact, Mr. Law's enthusiasm over 'Wolsey's first introduction of the great and novel principle . . . of laying the heaviest loads on the shoulders most able to bear them' is due to sheer imagination; the details he quotes from Lingard's account of the grant of 1512 are merely an epitome of a grant as old as 1379 (*Rot. Parl.*, iii. 57–8).

A. F. POLLARD.

*Ireland under the Stuarts and during the Interregnum.* Vol. III: 1660–90.  
By RICHARD BAGWELL. (London: Longmans, 1916.)

WE have here at last the clear and consecutive history of Ireland from the Restoration to the Revolution which has been so long a desideratum. Mr. Bagwell goes a little further and devotes four chapters to the military and political events of 1689, and one to William's campaign in Ireland. Here he covers the same ground as Dr. R. H. Murray in his *Revolutionary Ireland*, and the two narratives may be profitably compared. Mr. Bagwell writes a very clear, succinct, orderly narrative of the thirty years with which he deals, quoting wherever necessary the words of the chief actors, but not falling into the error of quoting them at too great length. The mass of printed and documentary evidence on which his book rests is singularly well digested in its pages, and the notes and references to sources are exact and helpful. He possesses, too, the sobriety of judgement and

the moderation of expression which so many writers on Irish history lack. While he does not make a hero of Ormond, as Carte did, and fairly sets down his faults, he shows his merits in their true light. A couple of sentences sum up the conclusion of the whole matter. 'His whole career is a comment on Wellington's question—How is the king's government to be carried on? The sovereigns whom he served were unworthy of such loyalty, but both England and Ireland profited by it' (p. 184). The accounts of the rule of the minor governors, Robartes, Berkeley, and Essex, and the estimates of men such as Orrery, Ranelagh, and Anglesey are very just and informing. One defect, however, there is in the scheme of the volume. The chapter on 'Social Ireland from the Restoration to the Revolution' is rather slight and unsubstantial compared with the political chapters, and a little more detail is desirable in some parts of the ecclesiastical chapter. Further, though Mr. Bagwell gives a good account incidentally of various economic questions (such as the prohibition of the export of Irish cattle, pp. 69–79), a general statement of the economic condition of Ireland under the later Stuarts would have been an advantage.

It is more than thirty years since Mr. Bagwell began the work he has now completed. The first two volumes of Ireland under the Tudors appeared in 1885. It was hailed in this Review (ii. 378) as inaugurating 'a new departure in Irish historiography', by its 'judicial tone' and its unprejudiced method of treating the political and ecclesiastical controversies of the sixteenth century. At the same time the complaint was made that he 'crowded his canvas with too many facts to enable the student to realize quite distinctly the salient features of his subject'. The present volume deserves the same praise, but is not open to similar criticism. Mr. Bagwell's six volumes (including in the total the three on *Ireland under the Tudors*) are a monument of well-directed industry, and he has gained in mastery of his materials as his work proceeded.

C. H. FIRTH.

*Political Ballads illustrating the Administration of Sir Robert Walpole.*

Edited by MILTON PERCIVAL, Ph.D. (*Oxford Historical and Literary Studies*, vol. viii. Oxford: Clarendon Press, 1916.)

IN an interesting introduction to this volume Dr. Percival describes and estimates the effects of the various means employed in Walpole's time to influence public opinion on political matters, pamphlets, newspapers, plays, caricatures, and ballads. Of these political ballads made perhaps the widest, though not the strongest, appeal. In journalism a new era began with the *Craftsman*, and Walpole's scribblers were no match for its contributors, but newspapers were still tightly controlled and were forced to pass over in silence or with covert allusion many a piece of news that the public would have enjoyed, and eagerly as they were seized on in taverns a vast number must have been debarred from reading them by lack of education. Nevertheless news was evidently widely spread, for the ballads which refer to particular events generally take the knowledge of them for granted. The political ballad spoke more freely than the news-

paper, and when it appeared as a broadside was within the reach of the poor; its descriptive title was bawled and sometimes its verses were sung in streets and pot-houses, so that inability to read shut out no one from the enjoyment of it. Nor was this enjoyment confined to the lower classes. Political ballads, sometimes witty and often showing considerable power both of sarcasm and versification, were composed by people of high social position and prominent politicians: Pulteney and Chesterfield we know wrote them for the opposition and Lord Hervey for the ministerial party. With few exceptions, however, the authors are not known, and Dr. Percival assumes rather too much in attributing—tentatively indeed—some of the best of them to this or that person of distinction on the ground that no one else could have written them. They were welcomed at court, where an opposition squib would irritate the king, amuse Queen Caroline and her ladies, and relieve the tedium of a daily round of ceremonies. Written to fit the tunes of well-known old ballads, they were sung by people of all classes; for the love of ballad airs such as those with which ‘the incomparable’ Sophia Western gratified her father’s taste—a case which Dr. Percival might have cited—was still strong.

The political ballads of the Walpole period which still survive are many, as may be seen in the excellent descriptive list in the appendix to this volume. Seventy-five have been selected and are printed here, and each is prefaced by an introduction dealing with the date of its publication, the source from which it has been taken, and the event to which it refers. The selection begins with a ballad ridiculing the ceremony at the re-establishment of the Order of the Bath in 1725, when ‘King Robert’ and his knights appeared in glory, and ends with one which gleefully anticipates the results expected from the secret committee appointed to inquire into Walpole’s conduct while in office. Among the few on the court or ministerial side one bitterly assails Bolingbroke, jeering at his union with the ‘patriots’, another effectively insists on the factiousness of the writers in the *Craftsman*, while in a third both parties are represented as caring only for money. One with the title ‘First Oars to Lambeth’ is an amusing skit on the eagerness attributed to Archbishop Blackburne of York and Bishops Gibson and Hoadly to secure the succession to Canterbury during an illness of Archbishop Wake. To this the editor appends an inept remark to the effect that the crossing of the Thames may be metaphorical. A vigorous ballad by Pulteney on ‘The Honest Jury’ who acquitted the printer of the *Craftsman* of the charge of libel is answered by one on the ministerial side, in the same metre but of inferior merit, accusing the sheriff of packing the jury. In the opposition ballads, which are by far the more numerous, Walpole’s person and private life, his large income attributed to dishonourable practices, and his profuse expenditure, especially during his annual hunting congresses, his alleged corruption, and his administration of home and foreign affairs are held up to scorn and hatred. The support he received from the king, and especially from the queen, was not passed by in silence by the ballad-writers, who jeer at the influence the queen exercised over her husband, comparing them to Philip of Spain and his imperious consort—‘Women wear the breeches in England and in Spain.’ Some of these pieces, even though printed as

broadsides, can scarcely have been issued with an idea of influencing the lower classes. While ballads on Walpole's excise scheme, four of which are printed here, would of course appeal to them, as would those also which express the popular dislike of Walpole's policy of alliance with France and co-operation with Fleury, they would scarcely be moved by an attack on corrupt ministerial interference in an election of the Scottish representative peers. The outcry for war with Spain and the delight occasioned by the taking of Porto Bello are abundantly illustrated. Glover's fine ballad 'Admiral Hosier's Ghost' must be ranked above the rest of this collection as combining poetic feeling and diction with vigorous and easy versification. The excitement caused by Vernon's success is illustrated by ballads celebrating his taking of Carthagena, an event which was not to come to pass.

While Dr. Percival has on the whole done his work well, one or two of his foot-notes might be amended. One, which attempts to explain 'knights of the [whipping]-post' by some words about perjurers and the 'witness-stand', shows that he was puzzled by a phrase of not infrequent occurrence in the eighteenth century. Another, which suggests that the lines

What a stir he hath made  
About commerce and trade,  
About China-ware, lace, and bobbing

may allude to the suspicion 'that Walpole was in corrupt relation with the South Sea Company', seems to combine two misconceptions. The suspicion as to Walpole's interest in the South Sea Company did not refer to its commercial undertakings but to its financial side, and seems to have been based on certain perfectly honourable, so far as is known, dealings in South Sea stock, nor would the Company, whose commerce chiefly depended on slaves and whales, import the articles mentioned in these lines. 'China-ware' was one of the imports of the East India Company, which had a monopoly of the China trade.

W. HUNT.

*The Mississippi Valley in British Politics.* By CLARENCE W. ALVORD.  
2 vols. (Cleveland, U.S.A.: The Arthur Clark Co., 1917.)

OF the younger school of American historians few have done or are doing more useful work than Professor Alvord of the University of Illinois. By helping, directly and indirectly, to bring to the light of day the records of the Middle-Western States in which he lives, he is opening out a new chapter of American history. But Mr. Alvord has never been content to deal with that history apart from its European background. Some years ago he published a paper on 'The Genesis of the Proclamation of October 7, 1763', which first gave a satisfactory interpretation to that puzzling document; and the present work is an ambitious and exhaustive 'Study of the Trade, Land Speculation, and Experiments in Imperialism culminating in the American Revolution'. Mr. Alvord has shown much industry in consulting whatever authority might throw light on his subject. By the courtesy of Lord Lansdowne and of Lord Dartmouth and the public spirit of the University of Illinois he has been able to obtain copies of invaluable Lansdowne MSS. (for the contents of which the bald calendar published

by the Historical MSS. Commission is practically useless) and of Dartmouth MSS. He has made use of a great body of pamphlet literature, as well as of the more familiar authorities on the period; and, as a rule, his good sense and judgement are on a par with his learning.

The history deals with a period of eleven years. Canada and the West had been won. What was to be their fate? By closing with the Quebec Act, which at any rate brought one question to a decisive answer, Mr. Alvord escapes the anti-climax which otherwise must have attended the story of proposals ending in nothing and of land schemes ending in failure. Mr. Alvord, it is in several places manifest, is sorely tempted to put forward the theory, which at least would have given dignity to his subject, that the Western policy of successive British ministries brought about the loss of the American colonies. But he is too conscientious an historian to make his facts subordinate to theory; and, when the facts are regarded dispassionately, they are too complicated to lend themselves to any facile theory. Thus take the case of the last attempt at Western expansion before the outbreak of the American War. In the attempt to found the new colony of Vandalia the British promoters were in direct conflict with the interests of Virginia, which regarded the country in question as belonging to the province, under the original charter. But on this subject so astute and patriotic an American as Benjamin Franklin was in close alliance with the British promoters; whilst on the other side the British governor, Lord Dunmore, no doubt on grounds of private interest, actively championed the Virginian case. Had British authority been strong enough to hold in check the beginnings of American expansion, a real *casus belli* might have been afforded. But as things were, mere declarations of policy caused no more stir than was caused by the provisions of the Navigation Acts, so long as they remained unenforced. It is not, of course, denied that Western policy so far as it necessitated American taxation was a contributory cause to the Revolution.

It is the part of a good historian to magnify the importance of his subject; and perhaps Mr. Alvord is a little inclined in this direction in his estimate of the influence of the question of the American West upon British politics. Lord Shelburne is the British minister whom Mr. Alvord most holds in honour, and whose American policy he most approves. But if Shelburne fully realized the importance of the American question, why did he not accept in 1768 the new office of colonial secretary when it was pressed upon him, to prevent its occupation by one of the Bedford group? The office of secretary of state for the southern department was, no doubt, more dignified; but a far-seeing minister might have gauged the possibilities of the new position and acted accordingly. Mr. Alvord knows so much about the inner workings of the American question that he is, perhaps, inclined to attribute more knowledge than they possessed to British statesmen. It would be impossible, however, to tell the story more dispassionately and impartially than it is told by Mr. Alvord. Full justice is done to the honest attempts of British statesmen to protect the interests of the Indians; and so little is the author obsessed by traditional pieties that in these volumes George Washington is only mentioned in connexion with his land speculations. The conclusion of the matter is thus stated:

The idea of imperial control of the West, as conceived by the Grenville-Bedford ministry, broke down before the storm aroused by the attempt to tax the colonists for the necessary funds. The old whigs won popular approval by repealing the stamp act, but they eliminated thereby the possibility of working out an effective imperial policy of their own. Economy necessarily became their motto. . . . Influenced by the noble ideals of the Chatham ministry, Lord Shelburne conscientiously studied the problem of the West and presented a solution which might have won the hearts of the colonists for the mother-country. There followed, however, the dramatic struggle in Parliament and Cabinet between the advocates and opponents of expansion. The result was a compromise: the futile Townshend taxes and Shelburne's broad-gauged imperial plan were both approved. . . . Lord Hillsborough's plan of 1768, another compromise, satisfied no one and proved inadequate to withstand the westward pressure of pioneers and speculators. Lord North's bold measure, the Quebec Act, was the last effort of British politicians to organize the territory acquired by the Treaty of Paris. It failed. British muddling in the West was doomed.

There are few readers on this side of the Atlantic who will not have much to learn from Mr. Alvord's learned and thoughtful volumes. It only remains to add that they are accompanied by some useful maps.

H. E. EGERTON.

*Church Reform in Scotland; a History from 1797 to 1843.* By WILLIAM LAW MATHIESON, LL.D., Aberdeen. (Glasgow: MacLehose, 1916.)

THIS is the fourth and concluding volume of a work in which Dr. Mathieson has undertaken to give an account of politics and religion in Scotland from the Reformation down to the middle of the nineteenth century. The period it traverses is the fifty years or so of Scottish history which followed the rise of democracy in Europe as reckoned from the outbreak of the French Revolution in 1789; and the author holds that the chief characteristic of this period 'is the pressure of popular passions and ideas on political, religious and even intellectual life' (p. 2). From this point of view the division of time in question is convenient enough, as with the reform of Scottish parliamentary representation in 1833 a definite point may be said to have been reached in the history of Scottish political affairs, while beyond all doubt the Disruption in 1843 is a decisive event in Scottish ecclesiastical affairs. Dr. Mathieson makes the extraordinary statement that 'the ecclesiastical history of Scotland so far as it concerns the national historian may be said to end in 1843' (p. 373); one would rather have thought that the great event which marks that year was a proof of the inexhaustible vitality of the religious element in Scottish national life and not its funeral.

Some measure of cohesion and sequence in the arrangement of the vast number of miscellaneous facts with which the author deals is secured by his plan of treatment; but at times trivial and gossiping details are mixed up with matters of historical interest and value. Thus he says of the countess of Leven in connexion with her interest in the evangelical revival: 'Whitefield, for whose refreshment, "when he was quite exhausted she used to make a little warm punch or negus mixed with the yolk of an egg", found in her a devoted friend' (p. 54). Of Brougham's early life he thinks it worth while to record that 'as a student at the University he divided his leisure between the grave debates of the Specu-

lative Society and such playful relaxation as "rollicking in taverns, ringing bells in the streets, twisting off bell-pulls and knockers, or smashing lamps" (p. 134). The intrusion of such worthless matter into what is meant to be a grave history detracts from its value and taxes the reader's patience.

It is, however, the ecclesiastical side of the history presented to us here that is the less satisfactory. The author is thoroughly out of sympathy with what he is pleased to call 'the theocratic or Ultra-Presbyterian spirit' (p. 373), to which he has devoted so much attention in the various instalments of his work, and is, therefore, likely to be an untrustworthy critic of that on which he looks with contempt. The history of religion in Scotland from the period of the Reformation down to that of the Disruption contains much that is calculated to arouse a glow of admiration in an ingenuous mind. Is it too much to expect to find some measure of ingenuousness in a historian? Indiscriminate eulogy is offensive; and quite as offensive is inveterate prejudice. No historian under the influence of this latter quality is capable of writing even a lucid and convincing narrative. This is illustrated in chapter viii of the present volume, in which the events leading up to the Disruption are described. The whole narrative is obscure and confused. Able and distinguished theologians were not wanting to guide the movement which led to the great event of 1843. Dr. Mathieson says that the movement in question depended upon 'a literal and unintelligent use of Scripture', and that 'the Free Church was once'—evidently in its origin and early history—'the most obscurantist in Scotland'. He, however, says that in what he calls the science of 'Biblical and archaeological research' it has since furnished some of the foremost scholars (p. 373). It is surely remarkable for an evil tree, even after long delay, to yield good fruit.

JOHN WILLCOCK.

*Progress and History; Essays.* Arranged and edited by F. S. MARVIN.  
(London: Milford, 1916.)

THIS is one of the many composite books called forth by the war. It must attract the attention of the educated public not only by the present actuality of its appeal, but by the good and often brilliant style of the writers, and generally by their known competence to deal with the several subjects that fall to the share of each. Unfortunately, as in most works written in indefinite combination, the unity of purpose becomes less clear in some parts of the book (generally speaking, perhaps, in this case after the fifth essay), and the result is a certain nebulosity, which is not inconsistent with suggestiveness.

In the first essay the editor examines and handles 'The Idea of Progress' briefly but clearly, so as to mark out the ground for his successors. It may be observed that he, like Professor J. A. Smith in a later essay, lays stress on the morally weakening tendency of belief in human progress as inevitable—a danger pointed out by Dr. John Grote. Dr. Marett follows with an interesting chapter on 'Progress in Prehistoric Times', written from the anthropological point of view, but cautiously and historically. Miss Melian Stawell, on 'Progress and Hellenism', is brilliant and suggestive.

She points out how some of the greatest of Greek thinkers came very near to a conception of human progress, yet never quite reached it, being hindered by their sense of the tragic in life and by the limitations of their historical experience. Dr. A. J. Carlyle, in 'Progress in the Middle Ages', is, as elsewhere, a dealer of stout blows against the *eidola* of stagnation and rigidity, tempered by romanticism, which still clings to the reputation of medieval times. Baron Friedrich von Hügel, in writing of 'Progress in Religion', is, of course, nothing if not fundamental. His essay, though not long, comprises 'vivid descriptions of the chief stages in the Jewish and Christian Religions . . . the main results attained by the corresponding main peculiarities of Confucianism, Buddhism, and Mohammedanism . . . and the main facts in past and present Religion which concern the question of religious Progressiveness'. His verdict is for progress on the whole, but not a steady progress; rather an intermittent series of *accessions* of spiritual knowledge and experience, which have to be articulated and applied in the long gaps between.

Dr. Jacks, in treating of 'Moral Progress', begins to stray from the editor's lines, but he is racy and suggestive. He ends with a 'conundrum' as to the reason why, independently of height attained, an ascending world is superior to one on the decline. Mr. A. E. Zimmern follows with two essays, on 'Progress in Government' and 'Progress in Industry' respectively. These are somewhat disappointing, the former because the writer prefers not to keep to the subject of government in the ordinary sense of the word, but to take in human organization generally, whereby he becomes diffuse, and states truisms as well as supposed facts that are not quite true. The vagueness of this essay is also found in the next. Most people would agree that for satisfactory progress in industry we need scope for pleasure in work, and an end to antagonistic combinations; but the writer, as far as we can see, has no special views with regard to profit-sharing, joint management, or any other means suggested for bringing about industrial agreement. Mr. Clutton Brock, in 'Progress in Art', makes some interesting remarks, though they may be open to criticism. It may be true that our present-day mediocrity in artistic production is, in a portion of the public, accompanied by a 'consciousness of sin'; but probably that consciousness is not very widespread. He sees even in cubists and futurists some hope, in that they are 'rebels'; but surely 'rebels' may be found in decadent periods of art. We can hardly, however, attach much importance to an art-critic who regards as hopelessly decadent *all* later Graeco-Roman art, in the period 'which began at least as early as the age of Alexander and continued till after the fall of the Western Roman Empire'. In the tenth chapter Mr. Marvin has a more satisfactory and manageable subject in 'Progress in Science'. The chapter on 'Progress in Philosophy', by Professor J. A. Smith, is full of thought, but leaves a vague impression on the mind. The birth of modern philosophy was, he considers, the recognition that knowledge of self rather than of any external world, should be the object of the seeker for reality. But surely this doctrine belongs in a sense to the greatest of the early Greeks and of the medieval mystics. And if we are to say, with Mr. Smith, that self-knowledge must always be a process, and

thence a continued progress, this does not place progress in philosophy on the same footing with the other kinds of progress treated in this volume. The reader who has followed the other essays will want to know whether people generally are becoming more philosophic, and whether the form of philosophy pursued is of an increasingly higher type. It is never quite clear whether the professor is thinking of the individual or of society, and whether temporal relations enter into his conception of progressiveness. The last chapter, on 'Progress as an Ideal of Action', is likewise by Mr. Smith. He points out—as already said—that belief in progress as bound to come is morally weakening. Also he seems quite relevant in showing that progress cannot be taken apart from the goal to which it is tending. But his general conclusion, that progress must be believed in as something very different from any kind of progress actually observed, needs drawing out in the reflexions of the reader.

On the whole, then, this book makes welcome contributions to thought, though it may not help many thinkers to come to definite conclusions.

Alice Gardner.

## *Short Notices*

M. CAMILLE JULLIAN contributes a short preface to the work of M. Georges Dottin on *Les Anciens Peuples de l'Europe* (Paris: Klincksieck, 1916), which is to inaugurate a series of handbooks *pour l'étude des antiquités nationales*. As its title indicates, the book is intended to supply a general framework in which Gallic antiquity may find its proper place; what in fact it contains is a condensed summary, first, of the principles and main conclusions of prehistoric archaeology, and secondly, of the ethnological traditions preserved in ancient writers, with the minimum of critical analysis. It would not be fair to expect either a full or an original treatment of the innumerable questions to which both branches of the subject give rise in a volume of 300 pages; but M. Dottin has imparted a value to his work by the copiousness of the references given both to ancient and modern authorities. He makes it easy to trace the sources from which we derive our current nomenclature of the primitive peoples of Europe and our beliefs as to their migrations; it would not be easy to put one's hand on a repertory of information of this kind so compact and accurate. The chapters on prehistoric archaeology provide the learner with an outlined knowledge of the growth of civilization as reduced to formulae; the excellent manual of Déchelette has been closely followed, and the references to recent works are judiciously selected, those of English writers such as Mr. Peet not being forgotten. More should, however, have been said of the history of Aegean civilization as revealed by Cretan discoveries; Sir Arthur Evans is of course referred to, together with Professor Burrows and others, but a brief sketch of the successive 'Minoan' periods would not be out of place in a work which enlightens the reader on the differences between the 'Mousterian' and 'Magdalenian' epochs, and distinguishes the three phases of 'La Tène'. The British excavations at Melos seem to have escaped M. Dottin's notice; they should, for example, have been mentioned à propos of the obsidian industry. There is a brief sketch of the Indo-European age as drawn by the comparative philologists (pp. 57 ff.), which, like others of the same kind, goes a little beyond the strictly linguistic evidence; the canons by which this should be tested are, however, well and succinctly stated on pp. 14 ff. M. Dottin tells us that the 'earliest dated texts' in Indo-European speech are the inscriptions of Darius (p. 64). The point of this statement is not quite clear; even if Greek literature be excluded, there are inscriptions earlier than the reign of Darius sufficient to warrant philological deductions.

H. S. J.

It is impossible not to have a kindly feeling for Mr. J. W. Jeurwine's *Manufacture of Historical Material* (London: Williams & Norgate, 1916).

Mr. Jeudwine writes with freshness, frankness, and obvious sincerity; he is possessed by many right ideas; he has some real insight as to the task and methods of the historian, and has accumulated a fine store of miscellaneous information. In his pleas for the study of social history, in his dislike of the 'constitutional' and modern point of view, in his enthusiasm for Brehon laws, Scandinavian sagas and the Year Books, in his protests against the 'whiggish' and the 'Germanic' views of history, he will have many sympathizers. Unluckily, however, his enthusiasms have no measure, and his scholarship leaves something to be desired, both as regards accuracy and completeness. It is hard to discern any definite plan or purpose in his book. All periods of history, all stages of civilization, seem very much alike to him. The result is a work of singular incoherence. Mr. Jeudwine is also beset by deep and undying prejudices which spoil his perspective and warp his judgement. Thus he hates not only all that is 'Germanic' but all that is 'Roman'. The 'monastic chronicles' come into the latter category, and his warnings to the unwary not to base history on their second-hand and prejudiced judgements would be the more impressive if they could always be taken seriously. But what are we to say of a foe of monks who believes that 'archdeacons, being the men of business of the monastery . . . were in a position to hear news which was denied to the sedentary occupant of the monastery' (p. 148)? How can a pioneer of historical progress still believe in 'Matthew of Westminster' (p. 158)? Mr. Jeudwine rightly urges on the historian the study of geography and of languages. Yet his eyes have not seen in the *Royal Atlas* the position of Clonmacnois when other eyes can recognize it easily enough. We need not then discuss Mr. Jeudwine's curious theory that the map-maker left it out because 'Clonmacnois is of no value for English constitutional history' (p. xiv). And the extension of a short paragraph in record type on pp. 231-2 contains two grammatical errors, while the 'Brut y Tywysogion' is always called 'Brut y Twysogion'. Mr. Jeudwine's authorities nearly all stop at the twelfth or thirteenth century, save that he has much to say, and some of it good, about the Year Books. But his constant comparison of archaic Celtic custom with the very 'developed' law expounded in the Year Books is a characteristic confusion of disparate stages of history. And though he has much to say about 'archivists', he has nothing to say of the records in the Public Record Office. Indeed 'archivist' to him means exponent of ancient manuscripts, not a custodian of records. And without minimizing the difficulty of translating and 'extending' medieval documents, the task by no means makes such superhuman demands on the historian as Mr. Jeudwine seems to think.

T. F. T.

The fifth and sixth volumes of the late Dr. Thomas Hodgkin's *Italy and her Invaders*, which treat of the Lombard invasion and the Lombard kingdom, have deservedly passed into a second edition (Oxford: Clarendon Press, 1916). They are not enlarged or in any way rewritten, as were great parts of the earlier volumes; and Mr. R. H. Hodgkin, who has taken charge of the reissue, has rightly limited himself to inserting his father's notes and corrections and adding occasional references to books which

have appeared since 1895, when these volumes were first published.<sup>1</sup> It would certainly have been a pity to have attempted any reconstruction of a work planned, and on the whole symmetrically executed, on a large, we may even say, a luxurious scale; and if any considerable changes were to be made, the author alone could have made them. It is said that Freeman not long before his death contemplated the reduction of his *History of the Norman Conquest* from five to two volumes, but we have not heard that Dr. Hodgkin had any such misgivings about the merit of telling a story at full length. He was a man of wide outlook and of generous interests; he had visited many lands and known many men; and he could not bear that his readers should not have the full benefit of all his learning and experienced observation. In an age when few historians, however well qualified, can be persuaded to write anything more ambitious than a text-book, it is a good thing to have the fine example of Dr. Hodgkin to look back upon. Among the new points in the second edition we may mention an interesting correction relative to the papal title (v. 402 n.), notes on the chronology of the dukes of Benevento (vi. 61 f.) and of the exarchs (vi. 533), a revision of facts about the relations of Liutprand to the Eastern Empire (vi. 497 n.), and a curious piece of local information about Cividale (vi. 42). A few corrections may be added. In the pedigree of Paul the Deacon (v. 71) a misprint has put the generations wrong; they are given rightly in vi. 56. Scania was no part of Sweden (v. 90, n. 1) until the seventeenth century. In the Merovingian pedigree (v. 178) the dates given for the births of Chilperic I and Chlotochar II, and for the deaths of Chlotochar II and Dagobert I, need revision. There is something wrong in the note which speaks of 'Pelagius II's letter to Gregory II' (v. 242). If Dr. Krusch's edition of Jonas's *Vitae Sanctorum* (1905) had been consulted the references to the Life of Bertulf, wanted in vi. 150 n. and 161 n. 3, could have been supplied. Lastly, the mapmaker should have been directed to erase the fictitious 'Mt. Iseran' in the map facing p. 217 of vol. v. R. L. P.

Mr. Knut Gjerset's *History of the Norwegian People* (2 vols., New York: Macmillan, 1915) is the work of a Professor of Norwegian language, literature, and history living in Iowa, a State whose Norse population approaches 70,000 and which is bordered on by even larger Scandinavian communities. This environment may explain what is at first sight a rather striking defect in so considerable a book, namely, the absence of any bibliography. If the History is designed for a public which has Munch and Sars and innumerable other classics on its shelves, this may be understood, but in this country such conditions are far from being realized. The references given in foot-notes, too, though plentiful, are distributed unevenly, leaving the reader sometimes in doubt as to the sources and sometimes overwhelming him with references to merely secondary works. The origin of the book may likewise account for such puzzling statements as that certain Norwegian kings were in the habit of 'visiting low dives', as well as for the fact that the climax of the history of Norway appears to be represented as the immigration of her sons and daughters into the United States. The English reader views with distrust '*finié*', 'Culmback',

<sup>1</sup> See *ante*, x. 781 f.

'Admiral Rookes', the 'distinctively English form Gottenborg', and so on. Occasionally, too, he fails to follow the author's inferences. If it be true that a stone figure of Queen Margaret is 'a decoration, not a portrait', executed by some foreign artist who had probably never seen her, can we agree that 'the noble and majestic face makes us feel that thus she must have looked, this great queen who once ruled the whole Scandinavian North'? Again, if the German Struensee 'despised Danish and used German exclusively' (neither of which was the case), should we infer that he was 'wholly unnational'? A more serious defect arises from the author's principle with regard to modern research. He states that

The way to the original sources has always been pointed out, and these have been used in a conservative spirit. The views of the leading scholars have been followed, and sometimes preference has been purposely given to the more conservative view on points where there is or might be a difference of opinion.

Surely the better way in a book where quotation is so frank and so abundant would have been to have quoted the view which seems to the author to be the true one. What profit is there—to choose two widely separated instances—in writing of Nestor as though he were the author of the chronicle which bears his name, or in ignoring the admirable modern Danish work on the reign of Christian VII? These, however, are but slight blemishes in a solid and valuable work. The history of the Norwegian people is peculiarly difficult to write, since it demands keen comprehension and interest in widely different phases of development and rare restraint from deviating into the history of other nations. Mr. Gjerset has resolutely adhered to his plan, and has provided us with a lucid and compendious narrative such as we have hitherto conspicuously lacked. W. F. R.

*The False Decretals*, by Mr. E. H. Davenport (Oxford: Blackwell, 1916), is a revised edition of an essay which won the Lothian prize in 1914, and is therefore the work of a young scholar. The date of the forgery is now generally fixed to 847-52, and this date the author accepts; but, though it is now admitted that it was composed in Gaul, on the exact place and the object many opinions have been held, and Mr. Davenport contends that it was not called forth by any local circumstances, but merely embodies a general scheme of reform, and this on the reasonable ground that, if the object had been to depress the metropolitical authority in the interest of the suffragans, the forger would not have troubled himself to make a large collection of decrees, genuine and spurious, of which many have no bearing on the subject, and some are even contrary to the supposed purpose. He also points out that the procedure with regard to appeals to Rome was not new, except in details, but was actually being applied by the popes, though without any formal sanction, and that it was not till the revival of the papal power in the eleventh century that the decretals exercised any great influence. In the preface the author remarks that he has 'not drawn upon the voluminous erudition of German critics'; in the bibliography no German works are included except those of which a translation exists (in the case of Gregorovius it is not stated that the English text cited is a translation); and, though in the text he mentions Weizsäcker (whose name is wrongly spelt), Schneider, Simson, and Wassersleben, no

reference is given to their works. Does this mean that he does not read German easily, or that under present circumstances he refuses to use books written in that language? If the latter is the case, his best course is to abandon historical research, for a man who writes on the False Decretals without using Dümmler, Maassen, and Seckel, is like a man who goes into a fight with one hand tied behind him. The last line of the genealogical table is unintelligible, and in the chronological table the meaning of the italics and brackets is not stated. If the deposition of Photius is meant to be assigned to 864, the date is wrong. Why, in the list of popes, the date of Silverius's deposition is marked as doubtful I cannot imagine. On p. 102 the phrase 'It is gone so far as to claim' scarcely conveys any meaning, and why the ravages of the heathen Danes are cited as evidence of disregard of priestly authority (p. 39) is not easy to understand. Theodulf of Orleans is by some strange error called 'Theodulf of Arles' (pp. 8, 12, 111). 'Cyricius' for 'Cyrillus' (p. xxii, n. 6) is probably a misprint.

E. W. B.

Dr. Ridolfo Livi has published as a reprint from the *Atti e Memorie della R. Deputazione di Storia Patria per le Provincie Modenesi* (Modena: Società Tipografica Modenese, 1916) an account of Guido da Bagnolo, a native of Reggio or its vicinity, who was physician and envoy of Peter I of Cyprus, that most adventurous of the Lusignan kings, and has been identified with one of 'the four friends' of Petrarch, mentioned in the poet's treatise *De sui ipsius et aliorum ignorantia*. The subject of this monograph, who was already known to students of Cypriote and Venetian history from the documents published by Count L. de Mas Latrie,<sup>1</sup> and from his epitaph in the Frari at Venice, is shown to have been a man of learning and position in the island from about 1360 to 1370.

W. M.

In *Les Sources de l'Histoire de France aux Archives d'État de Florence (1484-1789)* (Paris: Rieder, 1916) M. A. Renaudet has compiled a guide to the Archivio di Stato di Florence, indicating the references to the volumes and series which contain material likely to be of use to historians of France, with very brief notes of their contents. The introduction contains a short account of the history of the Archives and a description of the classes of which it consists, and is full of instruction and warning to the archivist who can read between the lines. Great care is taken to show what documents are printed by Desjardins, Guasti, and others. The seventeenth- and eighteenth-century documents, which contain valuable news of European events, have scarcely been touched, as appears from the lack of references to printed books. M. Renaudet has overlooked the English versions from the Salvetti correspondence issued by the Historical MSS. Commission in 1887. His book is the first-fruit of the French Historical Institute at Florence, which is to be congratulated on so timely and useful a publication.

C. J.

Professor T. Corcoran's *State Policy in Irish Education A. D. 1536 to 1816, exemplified in Documents collected for Lectures to Post-graduate Classes*

<sup>1</sup> *Histoire de l'Île de Chypre*, ii. 255, 273, 302.

(Dublin: Fallon Brothers, 1916), is a collection of documents made in the interest of students attending the editor's lectures. His classes are fortunate in being thus brought into touch with the sources of Irish history, and enabled not only to follow the professor's lectures intelligently, but to understand more clearly his methods of research, and perhaps now and again, with the evidence in their hands, to criticize his conclusions. And Dr. Corcoran has done well to offer his collection to a wider circle of readers. For about a quarter of the documents have never before been printed; and the remainder have appeared only in Blue Books, Record Office publications, and other volumes not easily accessible to most students of the history of education in Ireland. It must be added, however, that the collection suffers from some defects which considerably impair its value. For example, the educational scheme of Erasmus Smith has been for two centuries one of the most important institutions of its kind in Ireland, dealing with primary, secondary, and university education. Dr. Corcoran prints the 'originating' indenture (1657), the Royal Charter of 1669, two extracts from the minute books of the governors (1680, 1712), the report of a vice-regal commission in 1791, and passages from the judgements of the judicial commissioners of Irish Educational Endowments in 1894. This is not a full series of the existing documents; nor could we fairly look for a full series in such a work as this. But at least some passages of the very important Act of 10 George I (1723), enacted on the petition of the governors of the charity, should have been included. We should have been glad also to have the complete text of Erasmus Smith's letter of 6 July 1684, three sentences of which are quoted in the introduction. Further, some portions of the documents actually given have been omitted, the omissions being not always indicated. In one place of the Charter of 1669 three dots do duty for a passage which comprises two-thirds of the text of the document. The indenture of 1657 has been treated in similarly drastic fashion. If these documents had been printed *in extenso*, or if a good summary of them had been given, the student would have been better able to appraise the accuracy of Judge O'Brien's remark (quoted on p. 225) that Erasmus Smith probably chose his first governors to please Cromwell and his second list of governors to please the king; the fact being that all the original governors who remained in office in 1669 were named as such in the charter. Again, Dr. Corcoran states (p. 14) that 'in the eighteenth century a considerable part of the rental of the Erasmus Smith estates was diverted to the university from its original purpose, the education of his tenants and labourers'. This was one of his purposes, perhaps the one nearest to his heart; but it was not the only one, as these two primary documents clearly show. It has been necessary to point out that Dr. Corcoran mutilates or omits important documents—a practice which might be further illustrated from this book. But, notwithstanding this, all students of Irish history will be grateful for what he has given them. To much of it, no doubt, the criticism which has been made does not apply.

E.

In *The Academ Roial of King James I (Proceedings of the British Academy, vol. vii)* Miss Ethel M. Portal gives an account of the first attempt

to found a British Academy, but contributes less than might have been expected to what has been known since Joseph Hunter read his paper on the same subject to the Society of Antiquaries in 1846. His 'Account of the Scheme for erecting a Royal Academy in England in the Reign of King James the First' (*Archaeologia*, vol. xxxii, 1847) still retains its authority. Miss Portal has seen one or two manuscripts which he did not use, and perhaps 'were unknown to him'; but they contain little of importance in comparison with the manuscript which was in Hunter's possession and has since disappeared. The result is that though Miss Portal adds one or two new facts, the best part of her paper is founded directly on Hunter's. Her short notes on the eighty-four proposed members of the Academ Roial are only occasionally superior to his, and too often, it must be said, are disappointing. This, for example, is what is said of Sir Francis Kinaston: 'Of this gentleman the only noteworthy contemporary record I find is the following: Sir Francis Kinaston by experience falsified the Alchymists' report, that a hen being fed for certain days with gold, should be converted into gold, and should lay golden eggs; which being tryed, was no such thing.' And such a note as this on Endymion Porter, 'Groom of the Bedchamber, with a liking for art and poetry,' is not reassuring. Doubts on the identity of the members are needlessly frequent, as in the notes on James Galloway and Sir Edward Powel of Pengethly. The doubt is justified in the note on Henry Liggon,—'If Lingen is meant, we have here another Herefordshire man, afterwards knighted.' Surely this is one of the Lygons of Worcestershire. There are interesting points here and there in Miss Portal's paper, but it is only a supplement to Hunter's.

D. N. S.

As soon as Portugal recovered her independence ambassadors were sent by John IV to various European powers to obtain its recognition. Two of them, Antão de Almeida and Francisco de Andrade Leitão, landed in England early in 1641. In one of Robert Baillie's letters dated 15 March, he says that 'the Portugal ambassador here gets no audience' but 'is labouring privily for it'. In a postscript written four days later he adds, 'After long debate at the Council-table it is resolved he shall have audience . . . most of all because the Portugal offers liberty of religion and other fair conditions to the English merchant'.<sup>1</sup> These negotiations resulted in the commercial treaty between England and Portugal signed on 29 January 1642. Andrade de Leitão then proceeded to Holland, while Almeida returned to Portugal in July 1642, leaving his secretary, Sousa de Macedo, as resident for Portugal in England. Mr. Edgar Prestage's two papers, *D. Antonio de Sousa de Macedo, Residente de Portugal em Londres*, and *Duas Cartas do D. Antonio de Sousa de Macedo* (reprinted from the Bulletin of the Academia das Sciencias of Lisbon, vol. x, 1916), contain an account of Sousa de Macedo's doings and observations in England from 1642 to 1646, and copies of two dispatches written by him to the king of Portugal in February and March 1646. The resident was instrumental in conveying to Charles I the arms and ammunition which John IV gave the king, he carried letters from the king to royalists

<sup>1</sup> *Letters of Robert Baillie*, ed. Laing, i. 311, 313.

in London, conveyed others to the queen in Holland or France, and visited the king at Oxford. The capture of the king's cabinet at Naseby, which revealed these services, naturally got him into trouble with the parliament. The letters throw some interesting sidelights on the war and events in London. The resident notes the martyrdom of various catholic priests in London, the deaths of Pym and Hampden, the king's personal exploits at Newbury, and other facts. He had frequently to oppose English schemes for settlement in Brazil, and he records the intention of Charles to send an ambassador to Portugal, namely Sir Henry Compton, though it does not appear that Compton reached Lisbon. Sousa de Macedo's attempt to arrange a marriage between the Prince of Wales and a Portuguese princess is the most interesting incident in his negotiations (pp. 23, 33). He was the first to propose the match which actually took place in 1662. However, it is not evident that Charles I seriously considered the proposal when it was originally made. 'I will give such an answer as will signify nothing,' he wrote to Henrietta Maria in January 1645, and it is clear that the queen was in favour of the Dutch match which was suggested about the same time.<sup>2</sup> C. H. F.

The period dealt with in the latest volume of the *Calendar of the Court Minutes, &c., of the East India Company, 1655-1659*, by Miss E. B. Sainsbury, with an introduction and notes by Mr. W. Foster (Oxford: Clarendon Press, 1916), is not of great importance from a general point of view. To the Company itself, however, it was of extreme importance, because it witnessed the recognition by Cromwell and his advisers of the necessity for the renewal of its Charter. The volume contains numerous complaints of the doings of the Dutch in violation of the recent agreement; of which the rendering impossible the cultivation of the island Pulo Run, after its restoration by them, was perhaps the most notorious example. Under date 19 January 1658, we are told: 'Sir Christopher Pack reports that his Highness was attended yesterday about the Dutch business, and seemed particularly to resent it.' But Downing, the British agent at the Hague, was unable to obtain satisfaction for the East India Company.

H. E. E.

D. Francisco de Sousa e Holstein's paper on *O Conde de Castel Melhor em Londres*, which appeared in No. 19 of the *Revista de Historia*, is interesting as it gives the letters of the Conde de Castel Melhor, a Portuguese political exile resident in London, where he was high in favour of Queen Catherine of Braganza at that critical time for Catholics in England—the Popish plot. Thirty-eight letters and papers of his are printed, and are worth perusal by students of the reign of Charles II. In the introduction we are told something about the possible claim of Catherine of Braganza to the Portuguese throne, and the early coquetting of Charles II with the Catholics.

A. F. S.

The Yale University Press has published, through the Scheftel Memorial Publication Fund, *The Beginnings of Yale, 1701-1726*, by Mr. E. Oviatt.

<sup>2</sup> *King's Cabinet Opened*, letter xv; Mrs. Green, *Letters of Queen Henrietta Maria*, p. 298.

The book is written in a lively and picturesque style, not to the taste of all; but it is the outcome of a careful study of the authorities, and will be recognized as invaluable by those interested in the early years of Yale University. It should be added that a number of most attractive illustrations gives additional interest to the volume.

H. E. E.

*Some Cursory Remarks made by James Birket in his Voyage to North America, 1750-51* (New Haven: Yale University Press, 1916), are the contents of a brief diary written by a Quaker merchant and sea-captain of Antigua, who, between July 1750 and April 1751, travelled in New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Maryland. He describes in some detail the chief towns in which he stayed (Boston, New York, and Philadelphia), and notes the products and industries of the various colonies and the articles exported and imported. He has also something to say about the smuggling carried on at Newport 'by the Connivance of good natured officers who have a feeling Sence of their Neighbours Industry'; similarly at Philadelphia 'Some of their Chiefe men and such as fill the Most Stble (*sic*) places and Posts in the Governmt drive on a very large and Contraband Trade with the French at Leogan, the Cape, &c., for Sugar And Molosses, to the great damage of the Honest And Fair Trader'. The diary, however, is not concerned solely with matters of trade; Birket mentions the chief public buildings, churches and meeting-houses especially, and gives an interesting description of Harvard College, which then contained about a hundred students, 'as likely well looking young men from about 15 to 20 years of age as any I have seen'; he writes also of Yale College with its new buildings and 'very pretty Library', which included a gift of books from Bishop Berkeley. Mention is also made of the library at Newport and the library in the State House at Philadelphia. Birket's Quakerly dislike of exaggeration comes out in the passage where he complains that 'by the Map of this Town (Boston) the Author Makes 17 Spires, Cupola's, etc. Two of which I find to be his own Invention and Imposition on the Publick.' A special point of interest to American readers is the number of Birket's friends who are mentioned by name. One of these, Samuel Burge of Philadelphia, is probably the person mentioned as a defaulter by the Quaker merchant Robert Plumsted, whose letter-book was described in this Review last year (vol. xxxi. 137-143).

C. A. J. S.

In the *Massachusetts Historical Society Proceedings* of May 1916 there is an exhaustive and able article by Mr. Murdock: 'Historic doubts on the Battle of Lexington.'

H. E. E.

*L'Alsace Française de 1789 à 1870*, by Professor Georges Weill, of the University of Caen (Paris: Alcan, 1916), is a short essay, written in a true historical spirit, showing how Alsace, which to Arthur Young in 1789 appeared more German than French, came to be almost wholly French in sympathies and ideas before 1870. This was primarily the work of the Revolution, which destroyed the numerous German lay and ecclesiastical lordships, and, by the distribution of 'national property', set up a large

class of peasant and bourgeois proprietors who were naturally devoted to the political system which had enriched them. Napoleon by the Concordat healed the breach created by the civil constitution of the clergy, which the religious peasantry had resented, and created a lasting enthusiasm for France by his military triumphs, in which so many Alsatians shared. Down to 1870 Alsace was the channel between the two civilizations of France and Germany. M. Weill gives substantial evidence that the German efforts to propagate the idea that the province must be reunited to Germany met with general resistance in Alsace in the generation before the Franco-Prussian war.

W. D. G.

*The Journal of Second Lieutenant Henry Hough, R.A., 1812-3* (Westminster: Royal United Service Institution, Whitehall, 1916), is edited by Major J. H. Leslie and throws a sidelight on the fortunes of the gunners in Spain between March 1812 and May 1813, particularly at the siege of Burgos. The diarist was only twenty-one, and his simple narrative has its chief value in illustrating the psychology of the British subaltern a century ago. Hough 'sat down to a pick nic dinner about three o'clock in sight of the enemy and drank my dear Father and Mother's health in a glass of grog'. Notices of the men are rather disappointingly slight. We only have a glimpse of sixteen-a-side football. We read under July 1812 of a wild rumour 'that 45,000 Russians have landed at Coruña to co-operate with the combined army'. There is nothing new under the sun.

G. B. H.

The seventh and last volume of M. G. de Grandmaison's edition of the *Correspondance du Comte De la Forest (1808-13)*, published for the *Société d'Histoire Contemporaine* (Paris: Picard, 1913), hardly maintains the level of interest reached by its predecessors. It begins with La Forest's dispatch, dated Valencia, 1 September 1812, which describes the painful retreat of King Joseph's army towards that city, not long after Wellington's triumph at Salamanca. *Inter alia* he notes that a Spanish guerrilla chief sent to him a letter addressed—'A l'ambassadeur près le Roi errant.' For a time Spain seemed lost to Napoleon. Wellington was marching on Madrid; Maitland, with a British-Sicilian division, had landed at Alicante; and Joseph's force that entered Valencia on 31 August was in sore plight. Defections of Spaniards from his cause had occurred all along the march; Soult, after blockading Cadiz during some 3½ years, raised the siege and advanced by way of Grenada to come into touch with Suchet's army. The subsequent concentration of these forces with that of Jourdan restored victory to the French arms, and on 16 October Joseph was able to leave Valencia and march towards Madrid, which he entered on 2 November. La Forest was, meanwhile, left at Valencia, and his dispatches at that time have little interest except as illustrating the jealousies and uncertainties that always beset the French cause in Spain, even after Wellington's retreat westwards from Burgos. In December 1812 letters from Paris took a month to reach Valencia; and for two months no dispatch came from King Joseph. On 9 January 1913 La Forest heard of the disasters in Russia and the return of Napoleon to Paris. His comment is that of a tactful courtier—'Aussi longtemps que la Providence conserve Sa

Majesté à l'Empire français, les contrariétés qui dérangent quelques-uns de ses plans sont de purs inconvénients passagers.' Several pages follow, filled chiefly with details on La Forest's ailments. It is clear that, down to March 1813, the French hoped that Wellington would achieve little, after his failures in the previous autumn. Before he began his 'march to Vittoria' La Forest was *en route* for France, still incredulous that the English would move in force. The last part of the volume deals with the tedious negotiations which La Forest undertook with the Spanish princes detained at Valençay in Berri. He believed that he almost won them over to adopt French instead of English views. The so-called 'Treaty of Valençay' was, however, rejected by the Spanish Regency and Cortes, and it is of merely subjective interest as showing the aims of Napoleon and of King Ferdinand and his brother, who only desired to escape from captivity.

J. H. RE.

Mr. H. J. Laski is already favourably known for his studies in the theory of sovereignty. His little paper on the *Political Theory of the Disruption*, reprinted from the *American Political Science Review*, x. 3 (August 1916), is an admirable example of what such things should be. He shows how, in the great movement of Chalmers, nothing less was at stake than the unitary (or Austinian) conception of the State. Chalmers was the true descendant of the seventeenth-century exponents of the doctrine of the two kingdoms. The conflict is no mere trivial ecclesiastical conflict, but is concerned with the deepest problems of man's life in society. Ere long we hope Mr. Laski will collect his papers and publish them in a volume.

F.

A little volume of *Questions Contemporaines* by Fustel de Coulanges (Paris: Hachette, 1916) is a reprint of the three articles bearing the same title which were published in 1893 at the end of the posthumous collection of *Questions Historiques*. It also contains the paper 'De la Manière d'écrire l'Histoire en France et en Allemagne depuis cinquante ans' which opened that book. Their brilliancy, not to speak of their bold paradoxes, will tempt many to read these articles who were not interested in the more severe parts of the collection of 1893, and the publishers have chosen a seasonable opportunity for their reissue.

G.

Dr. Roland Usher's *Critical Study of the Method of Samuel Rawson Gardiner* (St. Louis: Washington University, 1915) is an interesting brochure. Admirers and assailants of that indefatigable worker have hitherto agreed on one point, that he was entirely unlike all the previous historians of the troubles, not only in the width and range of his knowledge, but in the critical and scientific acumen of his judgements. Lord Acton in his famous inaugural lecture instanced a few volumes of Mr. Gardiner as among the few histories which had done the work so that it never need be done again. Dr. Usher seeks to upset this dogma. Gardiner, in his view, is fundamentally no more, no less, scientific than Macaulay or Hallam, or even Hume. He sees in him the English bias to justify the *fait accompli*, and he produces in the course of this book some very fair

illustrations. But in parts the criticism is petty and almost quibbling; nor do the alleged inconsistencies amount to very much. We must warn the reader, if he wants to get the best of the volume, to read it to the end. The last chapter is the most weighty. J. N. F.

The many students of Archdeacon Cunningham's *Growth of English Industry and Commerce* will not find anything new in his lectures on *The Progress of Capitalism in England* (Cambridge: University Press, 1916), but those who desire a very brief summary of his views on this aspect of economic history will find this little book helpful. As one-third of it is devoted to the general philosophy of the subject the treatment of facts is necessarily slight. Agriculture is much more adequately dealt with than commerce, industry, or credit. In accordance with his well-known views on the creative importance of state regulation in the Tudor period the policy of Burleigh occupies the central position in Dr. Cunningham's account of the progress of capitalism, and is regarded as still prevailing with modifications in the eighteenth century. The development of industrial capitalism in the eighteenth and nineteenth centuries is touched upon only by a brief discussion of 'laissez-faire'. A contribution to the economic problems of the future is offered in a final chapter on 'Lessons from experience'. G. U.

*The Camera as Historian*, by Messrs. H. D. Gower, L. Stanley Jast, and W. W. Topley (London: Sampson Low, 1916), is primarily intended to advocate the formation of illustrative records and surveys by means of photography, and is based on the experience obtained by the authors in connexion with the Photographic Survey and Record of Surrey. The value of such work from an historical point of view, e.g. for recording pictorially contemporary events, depends of course largely on the degree of permanence of photographic prints, and though the relative merits of various processes and materials are discussed, on the question of absolute permanence, so far as it is attainable, no opinion is offered. Two chapters are devoted to classification of the collected material. The system of indexing seems to be unnecessarily complicated; indeed it smacks somewhat of indexing run riot. It needs quite a lengthy explanation in the book, and in practice it would probably require some one always at hand to explain it to the average research student. Why, for example, cut down a date such as 1066.14.10 to 066.14.10? The latter has no resemblance to a date; the former has, though even then the customary 14.10.1066 is infinitely preferable. The brevity aimed at may defeat its own ends in the year 2066, unless the authors foresee the deterioration of the collections before that time. The useful hints on methods and apparatus for the actual photographic work are a feature of the book. E. T. L.

When Dr. George Macdonald writes about coins, and Mr. G. F. Hill corrects the proofs, we expect something good; and, indeed, it would be difficult to imagine a better introduction to numismatics than *The Evolution of Coinage* (Cambridge: University Press, 1916) which has just appeared as one of the 'Cambridge Manuals'. Here we need call

attention only to two features : the insistence upon the historical meaning and importance of coins, and the eight admirable photographic plates, the contents of which are separately described in addition to the references in the text.

H.

In *Tokens of the Eighteenth Century connected with Booksellers and Bookmakers* (London : Longmans, 1916) Mr. W. Longman has brought together all the tokens of this period which have any bearing on the production of books from the author down to the bookseller and librarian. The descriptions of the various tokens are accompanied by interesting notes on the life and history of their issuers. These include notably Eaton, Spence, and others who suffered on behalf of the liberty of the press at the close of the eighteenth century. The work is embellished by admirable reproductions of some of the more important tokens, besides portraits of some of the issuers and views of their premises.

E. T. L.

An institution with so fine a record as that of our ancient grammar schools, now for the most part, though with notable exceptions, extinct, metamorphosed, or moribund, has deservedly been made the subject of historical inquiry, and Dr. Foster Watson's little book *The Old Grammar Schools* (Cambridge : University Press, 1916) sums up satisfactorily and in a pleasant fashion the principal points that have been ascertained concerning it. He begins with the early grammar schools attached to collegiate churches, and goes on to describe how at the renaissance an attempt was made to change the method of teaching, Colet, and in an even higher degree Wolsey, urging that Latin should be studied in the works of the best Latin authors and that grammar should be acquired from that study and not from a set of barren rules. Unfortunately teachers were too prejudiced to carry out such enlightened ideas, and Lily succeeded Donatus. The diminution in the number of schools by the middle of the sixteenth century consequent on the acts of dissolution led to a notable increase in new foundations by private persons and chiefly by London merchants, who desired that the reformed religion should be strengthened by the training of youths in the knowledge of the Bible and, so far as was possible, in its original languages, especially as 'political exigences identified the national policy with the protestant cause'. Dr. Watson considers that the seventeenth century was the golden age of grammar schools and that their efficiency was due to the Marian exiles, who on their return brought from abroad a higher standard of education than had previously been known here. The decadence of the schools he traces to the expulsion from them of nonconformist teachers : it was expedited by the rise of utilitarianism in education and by other causes which he notes. As this little book may deservedly meet with a large sale it is to be hoped that in a future edition he will not repeat the statement that Asser's references to Alfred's 'court school' are an indication that 'Winchester College was preceded by a cathedral grammar school', and that he will revise the wording of his comment on Cade's attack on grammar schools (*King Henry VI*, part ii) so as to make it intelligible, and will omit from it the reference to Lollardy, whatever the meaning of that reference may be.

I.

There seem to be at least two ways of compiling a regimental history. One is that adopted by Sir Henry Newbolt in the story of the Oxfordshire and Buckinghamshire Light Infantry, a succession of brilliant pictures of the operations in which that regiment took part. The result is gratifying enough to the general reader, but probably less satisfactory to any one looking for a detailed account of the regiment's life and work. The other way is Mr. C. L. Kingsford's, who, in *The Story of the Duke of Cambridge's Own (Middlesex Regiment)* ('Country Life' Library, 1916), confines himself rigorously to the doings of his regiment. The battle scenes lose in vividness; they lack the broad effects of the other method, his account of Albuera fails to stir the blood, and there is always a danger of the history sinking into a chronicle. But the reader interested in the Middlesex Regiment will find in these pages a treasure-house of information: its inner history, its composition from time to time, the military distinctions won by officers and men, successive changes of uniform, and the gradual development of the regiment into its present shape are faithfully recorded. Of the two old regiments, whose union in 1881 formed the Middlesex Regiment, the 57th was perhaps the more famous. It won the title of 'Die Hards' at Albuera, where it lost 89 killed and 339 wounded out of a total of 647, and again in the battle of the Nive it suffered heavy losses and won fresh fame. The 77th, its sister regiment, also did well in the Peninsular War: at El Bodon it beat off repeated charges of French cavalry and successfully covered Wellington's withdrawal from Ciudad Rodrigo. Later, it took part in the storming of that fortress and also of Badajoz. In this latter campaign the two regiments were for the first time employed together, but while the 77th took part in the actual assault, the 57th formed part of the covering army. The next time the two regiments were again together in battle was at Inkerman, where they were 'united in defence of the same position'. But generally their careers lay far apart. The 77th was raised for Indian service, and put in two long spells of over thirty years in that country. On their second return in 1870 they were the first regiment to pass through the Suez Canal. In the South African War they served under General Buller and won special distinction at Spion Kop. On the other hand, the 57th had a considerable experience of 'little wars', taking part both in the Maori and Zulu Wars. In 1897 a draft was sent out from the 1st Battalion (old 57th) in South Africa on board the *Warren Hastings* to join the 2nd Battalion in India. The ship was wrecked off Réunion. The troops displayed such courage and discipline that the German emperor ordered that the narrative of their behaviour should be read at the head of every unit in the imperial army.

W. B. W.

In *Edinburgh, a Historical Study* (London: Williams & Norgate, 1916), Sir Herbert Maxwell shows that before the time of St. Margaret, Edinburgh was no way specially regarded as an important place. Her son King David, the 'Sair Sanct', made it a royal burgh and founded Holyrood, but it was not until 1357 that it took rank above other burghs. King James I made Holyrood Abbey his most constant residence, and James II was 'born, christened, crowned, wedded, and buried in Edinburgh'; and it was in his minority that the murder of the Douglas

boys took place in the castle. James III, after his imprisonment in the castle by Angus, preferred to live at Stirling, but bestowed many privileges on Edinburgh, and it regained favour in the reign of James IV. The Royal College of Surgeons received its charter from him in 1506, the next year saw the first Edinburgh printing-press, and the town rose greatly in importance until the disaster of Flodden caused the building of the 'Flodden Wall' as a means of resisting 'the auld innemies of England'. Plague lessened the population in the next reign, and James V consented to the first persecution of heretics. In the regency of Marie of Lorraine the English invasion destroyed and despoiled Holyrood, and the strife of the old and the new religions played havoc in the town. The struggle of the French and the English interests did not end with the death of the regent but made the position of the young Queen Mary, when she returned from France, almost intolerable. With Mary Queen of Scots Edinburgh became one of the chief theatres of international history. The tragedies transacted there around her are well and ably treated in this book. By James VI were erected not only the chequered bishopric of Edinburgh but also the university which has brought the town world-wide fame. The removal of the court to London was a blow to Edinburgh (though to this period we owe the beautiful 'hospital' founded by George Heriot, one of Edinburgh's finest buildings), and the visit of King Charles I encouraged hopes which were disappointed. The difficulties of the covenanting period are well put before us by Sir Herbert Maxwell. In 1688 he says the populace of Edinburgh was 'noisily anti-Jacobite', and they showed it by breaking up the Chapel Royal. Still, the duke of Gordon held the castle for King James VII until the next year. The rising of 1715 affected Edinburgh little, and although a large Jacobite party remained in 1745, social relations were maintained between both sides of political opinion. One of the best written parts of the book is that dealing with the revival of letters, though the author, curiously enough, omits Robert Fergusson; first under Allan Ramsay, later with the *Edinburgh Review*, *Blackwood*, and Sir Walter Scott. The author perhaps lays too great stress on the discomforts of Edinburgh in former times, and also on the drinking habits of our ancestors, which were almost universal. Otherwise this book is fairly adequate. More pains might have been taken in proof-reading. Sir Walter Haliburton should not appear as 'brother of the Duchess of Rothesay', when he was her second husband. St. Mary's Episcopal Cathedral should not have been called 'the largest ecclesiastical structure built in Europe since the Reformation', nor should the late Sir Leslie Stephen be shorn of his title; but these little inaccuracies do not greatly impair the value of a large and well-compiled book. The illustrations are more interesting from their subjects than artistic in their reproduction.

J.

Dr. F. Elrington Ball in *Howth and its Owners* (Dublin: University Press, 1917), being the fifth instalment of his *History of County Dublin*, has shown a great amount of research and skill in collecting, often from unexpected places, and piecing together into an almost continuous narrative a large number of facts concerning the St. Lawrence family,

barons and more recently earls of Howth, from the time of John de Courcy down to the year 1909, when the barony and earldom lapsed. In a work of this kind Dr. Ball cannot be blamed for not altogether excluding certain legends and stories which, if not verifiable to-day, are at least among the venerable traditions of the family. The book is pleasantly written and well illustrated with reproductions of ancient drawings and pictures, &c. A drawing ascribed to General Vallancy should settle the questions of both the site and the character of the first Anglo-Norman castle of Howth. It shows a manifest Norman mote on a little promontory to the east of the ancient church of Howth—where a martello tower now stands—exactly on the spot plainly indicated by a deed of c. 1235 as the site of the *vetus castellum*.

G. H. O.

Students of Italian topography will read with particular interest the article on the Via Traiana by Dr. T. Ashby and Mr. R. Gardner which appeared in the eighth volume of the *Papers of the British School at Rome* (London: Macmillan, 1916). It traces the details of the line taken by the road from Beneventum to Brundisium, and supplies a number of maps and illustrations. Incidentally it discusses some points in the route followed by Horace in his famous journey.

In another article Dr. Ashby relates the history of the Palazzo Odescalchi at Rome, where the British School was for many years established. A house which has been associated in turn with the families of Colonna, Ludovisi, Chigi, and Odescalchi is of more than local interest. Here again the illustrations—from old plans and views—are a noticeable feature.

K.

The last volume of the William Salt Society's *Collections for a History of Staffordshire, 1915* (London: Saint Catherine's Press, 1916), is entirely taken up by an elaborate study of 'Staffordshire Incumbents and Parochial Records (1530-1680)' by Mr. W. N. Landor. In it each parish is treated alphabetically, and copious information is given from original sources, often unpublished, as to the dates and biographies of the incumbents, including those of parochial chapels, and minute information as to sixteenth-century church furniture and ornaments, ancient foundations and endowments. Some of the more important places have substantial monographs devoted to them, including notably the valuable and detailed account of the college at Wolverhampton, its deans and prebendaries, its history and antiquities, by Mr. Gerald Mander. A substantial introduction by the editor generalizes usefully the information in the text, showing, for instance, that the majority of the local clergy accepted the Elizabethan, Cromwellian, and Restoration settlements in their turn, though in the last case two-thirds of the true Commonwealth incumbents did not conform. Information as to population and area of the parishes, recusants, chantries, the ejected clergy, and many similar topics is contained either in the introduction or the appendices. There are some careful indexes, and an adequate parochial map of the county. Altogether it is a volume that any archaeological society might well be proud to have issued.

T. F. T.

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# THE ENGLISH HISTORICAL REVIEW

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## *The Diadochi and the Rise of King-worship*

IN the present paper an attempt is made to present the reader with a general picture of the evolution and worship of the Hellenistic god-despot. The only possible foundation for the study of western ruler-worship is to be found in the divine claims of Alexander the Great;<sup>1</sup> nevertheless, owing to his untimely end, it was left to his successors to develop divinity as a system. Though the godhead of each particular dynasty had peculiar features of its own, still there was an unmistakable unity in the institution; and when Julius Caesar took the Hellenistic βασιλεύς for his model, he could not conceive of him otherwise than as a god. Republican sentiment was not ripe for such a change, and Augustus dealt with it more cautiously; in some respects, however, as time went on, the tendency was for the Roman emperor to approximate more closely to his Grecian forerunner. Had Alexander lived, or had a capable successor inherited to his power, the evolution of western ruler-worship would have been little more than automatic. As it was, his illegitimate and weak-minded brother, Philip Arridaeus, and his new-born son, called after him Alexander, were named his joint successors, with Perdikkas, the former second in command, for guardian

<sup>1</sup> See my article on 'Alexander the God' in *The Expositor*, February 1913, which endeavours to establish the reality of Alexander's divine claims, in part traversing an article by Mr. D. G. Hogarth on 'The Deification of Alexander the Great' which appeared in this Review in April 1887. On the other hand, Mr. E. R. Bevan goes to the opposite extreme when he writes in Dr. Hastings's *Encyclopaedia of Religion and Ethics* (art. 'Deification, Greek and Roman', vol. iv, p. 526): 'It is absurd to call in the influence of the East to account for what followed so inevitably from the prevalent disposition of the Greek world.' It may have been the unfortunate limitation imposed by his title that led him to make light of Egyptian influence and to exaggerate somewhat the readiness of the Greeks.

and regent; and it must have been evident almost from the first that the vast and heterogeneous empire would not hold together.

The astute Ptolemy had been foremost in counselling the division of the kingship, apparently considering this the best means of ensuring the independence of the several governors.<sup>2</sup> Nor was it a chance that his own satrapy was Egypt. Doubtless Alexander had taken this loyal and able officer with him on his visit to Ammon, and Ptolemy had marked well the richness of the country and the great difficulties which the narrow desert approach offered to an invader by land. Supremacy at sea would make Egypt impregnable, and the other governors were not likely to make a serious bid for that. And Ptolemy had also received his first lessons in royal divinity from the country whose whole government was based upon it. Augustus in his turn, it will be remembered, learnt the same two lessons; his treatment of Egypt after Actium (31 B. C.) showed a fear of a rival empire, and he proceeded to make the worship of himself the corner-stone of imperial loyalty and of the state religion. It is significant that it is shortly after Actium that permission is granted for temples to Rome and Augustus at Pergamum and Nicomedia (29 B. C.). This was for non-Romans; for Romans there was to be a temple to Julius and Rome at Ephesus and Nicaea.<sup>3</sup> The distinction is important for Augustus' policy, but we must not linger on it here.

Ptolemy's next care was to secure the possession of Alexander's body. How he did so is not quite clear. Perdicas had apparently from the first announced his intention of taking it to Aegae, the ancient burial-place of the Macedonian kings. He was probably not sorry for an excuse to enter and secure Macedon. Arridaeus—not the king, but an officer of the name—had been entrusted with the preparations, and had fitted out a magnificent funeral car, of which Diodorus gives an elaborate description.<sup>4</sup> But Arridaeus seems to have been in league with Ptolemy from the first; when he arrived in Syria, the latter met him with a guard of honour amply sufficient to guard against possible interference, and solemnly escorted the catafalque to Egypt, no doubt at first under pretence of taking it to Ammon. At what precise point he gave up the pretence is uncertain; in any case he took it to Memphis,<sup>5</sup> and there for the time being he buried

<sup>2</sup> Pausanias, i. 6. 2: cf. Arrian, *Librorum de Rebus post Alexandrum Epitome*, lib. i-v; Bouché-Leclercq, *Histoire des Lagides*, vol. i, pp. 8-9; Mahaffy, *The Empire of the Ptolemies*, p. 24. Pausanias does not necessarily imply more than that the separate kingdoms resulted from Ptolemy's proposal; it is highly improbable that they were formally included in it.

<sup>3</sup> Dio Cassius, li. 20; Tacitus, *Ann.* iv. 37, &c. <sup>4</sup> Diodorus Siculus, xviii. 26-7.

<sup>5</sup> Cf. Bouché-Leclercq, i. 20; Mahaffy, p. 26.

the body. It was the easiest route for the ponderous wagon, even to its real ultimate goal, Alexandria; and Memphis was far safer against attack from the sea, from which Ptolemy was at first preserved by his allies, rather than by his own strength.

When was Alexander's body brought from Memphis to Alexandria? Pausanias tells us that it was Ptolemy II Philadelphus<sup>6</sup> who effected the transfer, and this seems the most likely view,<sup>7</sup> not merely on account of the strategic motive given above, but because the *Sema*, a shrine which, as Diodorus tells us, was 'worthy of Alexander's fame', can scarcely have been ready to receive him at once.<sup>8</sup> Yet there is a grave difficulty, for Diodorus proceeds to speak of funeral rites and heroic honours, which evidently presuppose, as Diodorus himself presupposes, the presence of the body. But if the honours rendered to Alexander were in fact divine, the difficulty almost disappears. There was no need that the body of a god should be on the spot; indeed, the liturgical problem might be less formidable if it were not. The distinction between divine and heroic honours was coming to be a thin one, and Diodorus is doubtless chiefly concerned to mention that the honours were more than human, not that they were less than divine. For those who, like the present writer, are convinced that Alexander's own claim was to godhead, it is inconceivable that Ptolemy, who was making the most of his possession of the body, should have deliberately derogated from the dead monarch's dignity. Indeed his very death would probably make the acceptance of his divinity all the easier. One more possibility, however, remains, namely, that the question of Alexander's precise other-worldly status did not reach an acute stage so long as his remains were at Memphis. It may well have been possible to hold the celebrations without taking any decided line on the point. If that be so, every year's delay in settling the question would make it more imperative to treat him as a god. Hellenistic ruler-worship was on the whole developed very rapidly, too rapidly indeed for any explanation but Alexander's own initiative.

The first landmark in Hellenistic ruler-worship is Alexander's own claim to divinity, and the second is the worship paid to his body at Alexandria. The third is the worship paid to his spiritual presence by Eumenes, the circumstances of which

<sup>6</sup> The king does not appear to have been called Philadelphus in his own lifetime; but the title prevents confusion.

<sup>7</sup> Pausanias, i. 7. 1; cf. Bouché-Leclercq, iv. 39.

<sup>8</sup> Diodorus Siculus, xviii. 28. Professor Kornemann, *Zur Geschichte der antiken Herrscherkulte*, in the *Beiträge zur alten Geschichte*, 1901, alleges Strabo xvii. 1. 8 in favour of two resting-places for Alexander's body in Alexandria itself; but Strabo is referring to a later theft of the original coffin: cf. Mahaffy, *Empire of the Ptolemies*, p. 436 n.

call for some little explanation. Perdiccas' resolve to be master throughout the empire was a menace, not merely to Ptolemy, but also to Antipater, whom Alexander had appointed viceroy in Macedon. The crisis came when Antigonus, satrap of Greater Phrygia, fled from Perdiccas to Antipater, declaring his own life to be in danger, and denouncing the regent's designs. But a little before, Craterus' advent with an army of returning veterans had enabled Antipater to win the battle of Crannon (322 B.C.), which marks the real end of Greek freedom, and was fitly followed by the death of Demosthenes. In the same year Aristotle perished, on the threshold of an age the signs of which he had failed to read. However, the two generals concluded a hasty peace with the Aetolians, whom alone it remained to subdue, and invaded Asia Minor. Perdiccas deputed Eumenes to ward off this invasion. He himself marched upon Egypt, but met with a severe repulse, and was slain by his own soldiers, Seleucus, his second in command,<sup>9</sup> being among the ringleaders. Eumenes was more successful. He defeated that part of the invading force which came against him, and slew Craterus; but was not able to hinder Antipater from leading the rest directly to the south, with a view to helping Ptolemy against Perdiccas. Antipater now accepted from the returning army the regency and guardianship of the kings, Perdiccas' twofold office; but he entrusted the command against Eumenes, who had been condemned to death by the assembled troops, to Antigonus, and himself withdrew to Macedon. In the new distribution of governorships Seleucus secured Babylon, preferring this to perpetual subjection at head-quarters. He saw which way the wind was set.

Eumenes, that brilliant upstart, was a native of Cardia. While yet young he had attracted Philip's favourable notice, and had been taken into his service and promoted by him. Later on he became Alexander's intimate friend and counsellor, and Perdiccas, in his turn, recognized his ability. The jealousy of the Macedonians made it impossible for him to command, save as the faithful delegate of another. But he was involved in his chief's fall, and the Macedonians were the more furious because of the death of Craterus, one of the most popular of the generals. We have therefore a somewhat curious state of affairs. Antipater's withdrawal to Macedon may be said to have decided the ultimate division of the empire into the three great kingdoms of Macedon, Asia, and Egypt. But whereas Antipater's own loyalty to Alexander's line was such that he even chose his old comrade Polyperchon to succeed him as regent and guardian, rather than make his position hereditary, he was

<sup>9</sup> Cf. Bevan, *The House of Seleucus*, vol. i, appendix B.

yet joined with Ptolemy and Antigonus, who would obviously never submit to a central government, against Eumenes, the only hope of the royal family and single empire. When Antipater died in 319 B. C., the parties adjusted themselves in a manner more suited to their designs and interests. Cassander, Antipater's son, would not be Polyperchon's subordinate, but persuaded Antigonus in Asia, Lysimachus in Thrace, and Ptolemy in Egypt to form an alliance against him. Polyperchon on his side recognized Eumenes' position and supported him in every way. So the old duel between Eumenes and Antigonus went on in Asia, with another to match in Macedonia, between Cassander and Polyperchon; in Egypt Ptolemy, a cautious and lukewarm ally almost from the first, was chiefly anxious to secure Syria.

We are now in a position to appreciate Eumenes' contribution to the worship of Alexander. What Ptolemy had already done in Egypt it is somewhat difficult to say with any certainty and exactness, and in any case it was not wholly to his interest to push matters to extremes. With Eumenes, as we have seen, it was different, and there is no reason to doubt the substantial accuracy of the story which has come down to us.<sup>10</sup> Polyperchon's accession as regent and his friendly attitude towards Eumenes made a vast difference in the latter's position. Escaping with a small force from Cappadocia into Cilicia, he was welcomed as commander-in-chief by the Silver Shields, a picked corps of Macedonian veterans, and possessed himself by royal warrant of a treasure of 500 talents. But the old difficulty remained; how could he possibly secure the loyalty of these Macedonians and their commanders? In the midst of his good fortune he behaved with the utmost moderation, and ostentatiously declared himself the mere minister of their kings; but his supreme stroke of policy was to invoke the prestige of Alexander himself. King Alexander, he declared, had appeared to him in sleep, clad in his royal robes, giving orders to his governors, and administering his empire. According to Plutarch, Eumenes claimed to have received from Alexander himself the directions which he proceeded to give, whereas in Diodorus they merely embody Eumenes' own inference. A royal tent must be set up, and within it a golden throne, upon which were to be placed the crown and sceptre and the arms Alexander had been wont to use; thither the chief officers were to resort every morning, to offer sacrifice, and then to sit in council about the throne. This proposal was received with enthusiasm, and carried out to the letter. In this tent of the presence, if we may call it so, an altar of incense was set up, whereon the generals burnt costly spices; they prostrated

<sup>10</sup> Diodorus Siculus, xviii. 50-1; Plutarch, *Eumenes*, 13.

themselves before Alexander the God, and then sat round upon their stools, Eumenes with the rest of them. His devotion to his old master, now become a divine leader to the royal army, won him great power, and secured the loyalty and high hopes of all.

Yet he failed to conciliate Peucestas. The war between Polyperchon and Cassander in Europe, and between Eumenes and Antigonus in nearer Asia, had now its counterpart in the far east. Pithon, satrap of Media, had seized Parthia, and the satraps in those parts, alarmed at the aggression, had combined under Peucestas, satrap of Persis. When Eumenes, on account of the destruction of his fleet by Antigonus, moved eastward, Pithon and his ally Seleucus refused to acknowledge him as the representative of the royal house, but the confederate satraps readily joined forces with him. Then came the trouble; for Peucestas, as commanding the larger army and as having held higher rank under Alexander, wished to be commander-in-chief. For a while Eumenes smoothed away all difficulties with his device of the tent, which seems to have left him the real command. But Peucestas did not really abandon his rivalry, and one feature in it is of peculiar interest. When the whole army entered his own satrapy of Persis, he offered a magnificent sacrifice to the gods Alexander and Philip, and feasted the whole of the forces.<sup>11</sup> In the midst of the banquet were the altars of the gods; it was evidently with set purpose that he had outstripped Eumenes in his devotion to the royal line, by including in the worship the great maker of Macedon, who to many of the Macedonians must have been almost as great a figure as his son, and who had himself made an attempt at self-deification.<sup>12</sup>

It was Peucestas' jealousy and treachery that finally ruined Eumenes; at the critical moment he refused to obey, and the losses suffered led to Eumenes being delivered over to Antigonus, who put him to death, but treated the body with honour (317 B.C.). The royal cause in Asia was ruined. In Europe Alexander's issue paid the penalty of their descent with their blood. It is a sad and dreary story, and not worth tracing in detail. Cassander, as was to be expected, was their most relentless enemy; it was their claim that had stood in the way of his ruling Macedonia, and might do so again. When he was secured in the possession of that kingdom in 311 B.C., and Roxane, Alexander's widow, and her son were placed in his hands, it was a foregone conclusion that they would disappear. With Eumenes' death ends the third phase of ruler-worship. It is evident that had he succeeded and had Alexander's offspring inherited his sceptre,

<sup>11</sup> Diodorus Siculus, xix. 22.

<sup>12</sup> See *Expositor*, February 1913, p. 104.

the worship of the great monarch must have had a far different development. As it was, the increase of Alexander's prestige was not without danger to the rising satraps, especially while Eumenes was still in the field, combining a strenuous loyalty with an extreme form of worship.

Nevertheless this worship of Alexander doubtless had a great influence on the cult of the Diadochi, chiefly, be it remembered, in preparing men's minds for the idea of the god-despot in general, rather than as providing a model to be followed. Loyalty and devotion to a monarch, even outside of his own dominions, rapidly came to take this form. It was a servile and despicable flattery, the product, not of any religious feeling, but of scepticism; but in all this it showed itself a typical product of the age.<sup>13</sup> On their side the monarchs found it very convenient, for it enabled them, without violating existing institutions, to secure a constitutional position, if we may so call it, of absolute superiority. When they were pleased to enact the farce of 'freeing' Greek cities, it was the most obvious way for the city to express its real or feigned gratitude. It is these more or less voluntary city-worships that now call for attention, for to some extent they too prepare the way for the official state-worship, organized and imposed from above, and in any case they have a considerable importance of their own. They continue, of course, concurrently with the state-worship, just as in the time of the Roman emperors; but it is only those which belong to this early period that can be said to exercise a serious influence on the evolution of ruler-worship. Of two of the earliest and most important of these we shall now proceed to speak; for a more general treatment of the city-worships we may refer the reader elsewhere.<sup>14</sup>

We left Antigonus with resources and ambition alike vastly increased through the defeat of Eumenes. Himself almost the ablest of Alexander's generals, he possessed in his son, the meteor-like Demetrius, one who bade fair to rival the great master himself. From the death of Eumenes in 317 B. C. until the death of Antigonus himself in the battle of Ipsus in 301 B. C. the latter was struggling for supremacy against the other leading governors, Ptolemy in Egypt, Lysimachus in Thrace, and Cassander in Macedonia. It was after Ptolemy's victory over Demetrius at Gaza in 312 B. C. that Seleucus made a dash for

<sup>13</sup> For some interesting remarks on this head compare 'Athens and Hellenism', by W. S. Ferguson, *American Historical Review*, October 1910, xvi. 8. It was the oriental religions alone that had real life in them.

<sup>14</sup> Compare Mr. Bevan's paper on 'The Deification of Kings in the Greek Cities', *ante*, October 1901, and his article on 'Deification, Greek and Roman', in Dr. Hastings's *Encyclopaedia of Religion and Ethics*, and W. W. Tarn, *Antigonos Gonatas*, index, s. v. 'worship of the kings'.

his old satrapy of Babylonia. Until the battle of Ipsus he almost disappears from view; but he has then secured his position over all the eastern part of the empire, from the Euphrates valley as far as Afghanistan, and after the battle he is easily the first in power and territory. He succeeds Antigonus as lord of Asia.

The earliest<sup>15</sup> and indeed the most atrocious example of the city-worship is that offered by the Athenians to Antigonus' son, Demetrius the Besieger. It is of such historical importance that it may be called the fourth landmark in the development of ruler-worship. In the spring of 307 B. C. the latter sailed with a magnificent fleet from Ephesus for Athens. He too meant to 'free' the Greek cities, but from Cassander; and he drove out the latter's garrison and also his governor, Demetrius of Phalerum. His coming was a complete surprise to the Athenians, and it must be said in justice that it appears to have genuinely delighted them. The honours which they paid him are best described in Plutarch's own words;<sup>16</sup> they quite eclipse, while historically confirming, the honours which they had paid to Alexander himself:

Though Demetrius appeared so glorious by reason of his services, the Athenians rendered him obnoxious by the extravagant honours which they decreed him. For they were the first of all men to proclaim Demetrius and Antigonus kings, a title which they had hitherto religiously avoided, and which was, indeed, the only royal prerogative apparently remaining to the descendants of Philip and Alexander untouched and unshared by the rest. They alone, too, inscribed them the Gods Saviours (Soteres<sup>17</sup>); and instead of denoting the year, according to their ancestral custom, from the archon, they abolished his office, and elected annually in his place a priest of the Gods Saviours, and prefixed his name to their decrees and contracts. They likewise ordered that their portraits should be wrought in the holy veil with those of the gods. They consecrated the spot where first Demetrius alighted from his chariot, and erected an altar there to Demetrius Alighting.

But the most monstrous idea of Stratocles—for it was he who devised these outrageously clever compliments—was this. He procured a decree, that those appointed to go upon public business to Antigonus or Demetrius should not be called ambassadors, but *theoroi*, like those who bear the customary sacrifices to Delphi and Olympia in the name of their cities.

There was more besides, hotter than fire, as Aristophanes has it. Stratocles was outdone in servility. A law was passed that Demetrius, whenever he should visit Athens, should be received with the honours

<sup>15</sup> If Ptolemy I Soter founded the League of the Islanders in 308 B. C., the worship which they offered him would be the first in point of time; but this appears more than doubtful; cf. Tarn, appendix v.

<sup>16</sup> *Demetrius*, x-xiii, xxiii.

<sup>17</sup> The epithet was already a sacred one, being applied to Zeus and other gods.

due to Demeter and Dionysus ; and that he who exceeded the rest in the splendour and magnificence of the reception which he gave that prince, should have money out of the treasury wherewith to dedicate a memorial of his success. Finally they changed the name of the month Munychion to Demetrian, and called the last day of every month Demetrias, and the Dionysia, or feasts of Dionysus, Demetria.

Plutarch then enumerates the prodigies by which the gods showed their displeasure, and quotes a comic poet, who asks :

Who was the wicked cause of our vines being blasted by the frost, and of the sacred veil being rent asunder ? He who transferred the gods' honours to men.

He continues :

But what was most of all monstrous and outrageous was the decree procured by Dromoclides the Sphettian, that they should consult Demetrius as an oracle as to the offering of the shields at Delphi.

Plutarch gives the decree :

That a citizen of Athens be appointed to go to the Saviour, and after sacrifices inquire of the Saviour what may be the most pious, most honourable and quickest way for the people to restore the offerings. And the people will act according to his answer.

By this mockery of adulation to one who was scarcely in his senses before, they rendered him perfectly insane.

Diodorus confirms this account in many details, and speaks also of yearly games, with a procession and sacrifice, common features in the later cults. Plutarch mentions further efforts on the Athenians' part when Demetrius reappeared, about four years later : they associated him in the cult of Athene :

Although they had poured themselves out upon him before and had been lavish of all manner of honours, yet they contrived upon this occasion to appear fresh and new in their flattery. They handed over to him the back part of the Parthenon for a lodging ; there he had his abode, and Athene was said to receive and entertain him—not a very decorous visitor, or a very suitable guest for the virgin goddess.

But between these two visits a very important development had taken place in the position of the Diadochi, a development doubtless due in some measure to the Athenians' own initiative. Shortly after his first visit Demetrius passed to Cyprus, off which he signally defeated Ptolemy in a great naval battle, and so took the island from him. In sending his father Antigonos news of this brilliant success, Demetrius greeted him as king, the title already conferred upon them both by Athens. Antigonos now accepted it, and began to wear the ' diadem ', or linen head-band connoting royalty. In his reply he greeted Demetrius

after the same fashion, and sent him also the diadem. Ptolemy, nothing daunted, also assumed the royal title; whereupon Seleucus, already king to his non-Greek subjects, Lysimachus, and even that most interesting and blood-curdling of Sicilian tyrants, Agathocles, to speak of no more, did the same. Cassander alone seems to have held back somewhat from adopting the full style of kingship, a strange fact, when we remember how openly and deliberately he had worked for this consummation. Macedon, however, was Macedon still, largely unaffected by oriental servility, and very conservative. Perhaps Cassander feared to outrage too sorely the feeling for the ancient royal house, just as Suidas tells us that Antipater, alone of the Diadochi, doubtless respecting his fellow-countrymen's religious sentiments, had refused to call the dead Alexander a god.<sup>18</sup>

We have thus reached that most important epoch, when the Diadochi throw off all disguise and declare themselves kings in their own right (306–305 B. C.). The change, if we may believe Plutarch,<sup>19</sup> was not merely one of name. They now became severer and more self-important, and were less anxious to court popularity. We have now before us the Hellenistic despot; when we have carried our narrative a little further, we shall have sufficiently described the evolution of his godhead too. Hope was indeed to work its full effect:

Kings it makes gods, and meaner creatures kings.<sup>20</sup>

Antigonus now tried to follow up his success against Ptolemy by an invasion of Egypt, but failed almost as miserably as Perdikkas. Demetrius then turned against Rhodes. This island-state had successfully asserted its independence on the death of Alexander, and by reason of its large trade had acquired such great maritime power as by itself to keep the seas clear of pirates. It had always endeavoured to remain neutral in the various wars of the Diadochi; but Antigonus coveted its fleet and mercantile prosperity, and wished to employ its resources against Egypt. Cassander, Lysimachus, and Seleucus all aided it while it was besieged, and Ptolemy more than all, as being most nearly concerned. The siege successfully withstood, the grateful Rhodians sent to Ammon to ask if they might honour Ptolemy as a god. Ammon, it was supposed, would naturally look upon his new Pharaoh as divine. Accordingly Rhodes instituted the cult of Ptolemy. They set up a shrine in a sacred enclosure, surrounded by four colonnades, each a stadium (about a furlong) in length, which they called the Ptolemaion, and they applied to him the same epithet which Athens had just conferred upon

<sup>18</sup> Suidas, *s. v.* Ἀντίπατρος.

<sup>19</sup> *Demetrius*, xviii.

<sup>20</sup> Shakespeare, *King Richard III*, v. ii.

Antigonus and his son, that of Saviour. Such, at least, is the account which Pausanias gives of the matter, and it seems the most plausible; but the precise time and manner of Ptolemy's acquisition of the epithet Soter are much disputed.<sup>21</sup> The evidence of coins seems to demonstrate that Ptolemy did not himself assume the title officially, and that it was Ptolemy II Philadelphus who first made it an integral part of his deified father's name, partly, no doubt, for the sake of distinction. None the less, as Dr. Mahaffy says, 'the general impression of all our sources that the title was assumed' (i. e. in some shape or other, as Dr. Mahaffy himself implies) 'during Ptolemy's life is too strong to be set aside'. But this scholar's conjecture that the epithet was an Alexandrian nickname seems rather uncalled for.

Demetrius now again sailed to Greece, and achieved some brilliant successes against Cassander, who had been gaining ground in his absence. Of his fresh honours at Athens mention has already been made.<sup>22</sup> Cassander sued for peace, but upon Antigonus' refusal urged the other kings to prosecute the war with vigour. Seleucus was now on his way back from the distant east, well supplied with men and money, and also with elephants, the animal that was henceforth to be the symbol and distinguishing arm of his house. Lysimachus by skilful manœuvring managed to avoid an engagement before they had joined forces. Antigonus recalled Demetrius, and Cassander tried, but with ill success, to reinforce Lysimachus. At the battle of Ipsus (301 B.C.) Antigonus and his power fell with a crash. In the short space of twelve years Seleucus, like Antigonus himself before him, passed from being a fugitive to the chief position among the Diadochi. Demetrius becomes a mere adventurer, though for some years he held the throne of Macedon, which ultimately passed permanently to his line. Lysimachus was by that time dead; his Thracian dominions became part of the Macedonian kingdom, while out of his possessions in Asia Minor there was gradually evolved the kingdom of Pergamum. Ptolemy again acquired Palestine, and it remained under Egyptian rule till the end of the third century; it then fell under the power of the Seleucids, and remained so till the Maccabees won its independence.

These, then, are the chief Hellenistic dynasties which ultimately survived: the Ptolemies in Egypt, the Seleucids, the seat of whose power gradually became Syria, but who claimed dominion over Asia Minor and far away to the east, Antigonus' descendants in Macedon, and the Attalids, with their capital at Pergamum. At this point we must stop short, for fear of involving ourselves in the troubles caused by Ptolemy Keraunos' assassination of

<sup>21</sup> Cf. Mahaffy, *The Empire of the Ptolemies*, pp. 62-3, 110-11; Bouché-Leclercq, i. 78-9.

<sup>22</sup> See above, p. 329.

Lysimachus and Seleucus, and by the irruption of the Gauls, who gave their name to the later Roman province of Galatia. In conclusion a very brief survey may be given of the official worship which was actually set on foot in the several states.

This naturally brings us back once more to Egypt, the real source of western ruler-worship, and in the Hellenistic period its strongest support. The difficulty as to Alexander himself has already been set forth, and it throws the whole question of the beginnings of the cult at Alexandria into uncertainty. The view that has here been adopted as on the whole the most plausible is that Alexander's body was not brought to Alexandria until the time of Ptolemy II Philadelphus.<sup>23</sup> Various dates have been suggested for the transference; it seems likely enough that one of the second Ptolemy's earliest acts was to inter his father in the *Sema*, and at the same time to bring Alexander's body thither; an annual feast was instituted, to be celebrated with peculiar pomp every four years.<sup>24</sup> Theocritus<sup>25</sup> would lead us to suppose that in this temple both Alexander and Ptolemy I Soter are associated in the worship of Zeus, to whom the *Sema* would in that case more strictly belong; Heracles is also a *σύνναος*, as being the ancestor of the Ptolemies, but later Dionysus became the favourite.

Unfortunately our doubts about the beginnings of the Ptolemaic worship do not end even here. It is uncertain when Ptolemy I's wife Berenice died, and uncertain whether Ptolemy II Philadelphus included the Gods Saviours (i. e. Ptolemy I Soter and his wife) in the official Alexandrian worship; Professor Bouché-Leclercq thinks that they were only inserted for symmetry at a later date.<sup>26</sup> However, the point is not worth delaying over, and we come at once to the really crucial point in the Egyptian cult. Ptolemy II Philadelphus' full sister Arsinoe had been given in marriage to Lysimachus, whose able and virtuous son Agathocles she had conspired to murder, and had then married her accomplice, her half-brother Ptolemy Keraunos, only to have her sons murdered, for fear of their rival claims, and to be herself banished. She came to the Egyptian court, and in 277 B. C. Ptolemy married her. This was in accordance with the practice of the Pharaohs, who would not mingle their divine blood with that of mortals, and it could be defended even before the Greeks as modelled upon the *ἱερός γάμος* of Zeus and Hera. It gave some offence in the Hellenistic world, but Philadelphus' successors followed his example, and we can trace the same influence in the relations of Herod Agrippa II and of Gaius (Caligula) with their sisters. In 271-270 B. C. Arsinoe

<sup>23</sup> See above, p. 323.

<sup>24</sup> Cf. Bouché-Leclercq, i. 142-3, 155-9.

<sup>25</sup> Theocritus, xvii. 17-23.

<sup>26</sup> Bouché-Leclercq, i. 35, &c.

died. To the native Egyptians the ruling sovereign and his sister-wife would always be gods, but as yet to the Egyptian Greeks only after death. To avoid the awkwardness that would ensue were the Greek practice to lag behind the Egyptian, and, as the Canopus decree makes us suspect, to oblige the native priesthood, Philadelphus deified himself along with his sister. This we may call our fifth and last landmark, and the scene is fitly Egypt once more, and it is significant too that it is due to the increasing weight of oriental influences. Philadelphus was very zealous for her worship in other ways, and indeed found therein an ample source of revenue; but the real significance of his proceedings lies in the fact that after him the Egyptian crown descends regularly from brother and sister to brother and sister, every couple being married and being divine. The most important pieces of evidence for the development of the worship are the Canopus and Memphis decrees of the Egyptian priests, the latter of which is inscribed on the famous Rosetta stone, now in the British Museum. Nevertheless, one must always be careful to distinguish the Greek (or Egyptian-Hellenistic) from the native rite. The Christian church itself was to acknowledge a twofold rite in Egypt.

In self-deification, as in all else, there was rivalry between the Ptolemies in Egypt and the Seleucids in Syria. Seleucus I, like the first Ptolemy, refrained from instituting a state-worship in his own honour, but willingly accepted, and even stimulated, private worships. On his death he was deified by his son Antiochus I as Seleucus Zeus Nikator (the conqueror). The identification with a definite god should be noticed; it becomes a very common feature as time goes on, though not in the official systems. Antiochus I was in turn deified by his son Antiochus II as Antiochus Apollo Soter. Apollo was the reputed ancestor of the dynasty; 'Soter' (Saviour), a title with which we are now familiar, he had assumed while yet alive, after a defeat of the Gauls, whose irruption we have already had occasion to mention. It was probably Antiochus II who took the final step of deifying himself during his own lifetime; his epithet is simply Theos, God. It became the regular Seleucid practice to assume divine epithets. Thenceforward the system is complete; the departed kings are worshipped together, and last in the list comes the reigning monarch himself.

Cassander's moderation in the matter of worship has already been commented upon. The later kings of Macedonia, while accepting the worship of cities, never set up an official state-cult; to Rome therefore was left the doubtful honour of introducing such an institution into Europe. The Attalids in Pergamum were also very moderate, a surprising fact, when one

considers how eagerly the cities in that part of the world took up the Roman worship. Deification was only allowed in the case of the dead ; the cult of the living monarch was so toned down as to be more of the nature of honour than worship.

In this short sketch it has been impossible to take in an adequate description of Hellenistic king-worship as a system in full swing. Nevertheless enough has perhaps been said to enable the reader to understand how this worship came to be an integral feature in Hellenistic culture. Meanwhile on the east coast of the Mediterranean lived a small people, the chosen people, as they deemed themselves, of a jealous God, who would not brook the adoration of a rival. This alone was enough to earn the resentment of their neighbours ; but what was worse was this, that they could not offer to their pagan rulers that one supreme pledge of their loyalty which might have set them at ease and have made them tolerate much else. The Roman emperors inherited the worship ; the Christians inherited the charge of disloyalty.

CUTHBERT LATTEY.

## *Italy and Provence, 900-950*

**A**TANTALIZING obscurity envelops the history of the kingdom of Provence in the first half of the tenth century. There is no native chronicle, not even later annals which might preserve older notices. Foreign chroniclers, whether accurate like Flodoard of Rheims or unprecise like Liudprand of Cremona, only make incidental reference to events in Provence, always with an eye to their own subject and with no desire to explain the merely Provençal bearing of them. There are, indeed, numerous private charters from the Provençal kingdom, but the purpose of these was the private transactions of churchmen and nobles, and, though businesslike in their way, the advantages of full and accurate dating were not yet clear to the Provençal notaries. Besides, dating was a difficult matter. They were often doubtful who reigned over them, and never sure how long he had done so. The king of Provence was the most shadowy of all the heirs of Charlemagne. Our information, therefore, while not inconsiderable as to the acquisition of lands by the church, is scanty in the extreme with regard to the ordinary framework of history. Kings, counts, and bishops, even the terrible Saracens of Frainet, flit by us in a dubious twilight. Hence a greater licence of reconstruction is allowable in their history, and the paradox becomes true that the measure of the strength of the chain of induction lies in its strongest, not its weakest, link, for the high probability of some results gives a kind of support to more hypothetical suggestions which chime in with them. In the present paper, I propose to take a series of points and to suggest solutions which are made more probable by the fact that they hang together. At best, however, the amount of assurance one obtains is not great, and I offer much of the results as suggestions only.<sup>1</sup>

<sup>1</sup> The following works are constantly used in this paper:—A. Hofmeister, *Deutschland und Burgund im früheren Mittelalter*, Leipzig, 1914, and *Markgrafen und Markgrafschaften im Italischen Königreich in der Zeit von Karl dem Grossen bis auf Otto den Grossen* (*Mitteil. für Österreich. Geschichtsforsch.*, Ergänzungsband vii, 1906); R. Poupardin, *Le Royaume de Provence sous les Carolingiens*, Paris, 1901, and *Le Royaume de Bourgogne (858-1038)*, Paris, 1907; R. L. Poole, *Burgundian Notes*, ante, xxvi (1911), xxvii (1912), xxviii (1913), xxx (1915); L. Schiaparelli, *I Diplomi dei Re*

## I. THE EMPRESS ANNA, SECOND WIFE OF BERENGAR I.

This lady appears in three diplomas of Berengar and one of King Hugh.<sup>2</sup> It seems she must have been married or betrothed to Berengar before his imperial coronation in December 915. She was still living in May 936. I believe there is no hint of her extraction, but her name suggests an hypothesis. Anna is hardly a characteristic name for a great Frankish lady of *c.* 920, but it was the name of the first wife of the Emperor Lewis III the Blind of Provence, i. e. the Greek princess Anna.<sup>3</sup> Could not Berengar I's wife be then the daughter of Lewis the Blind and sister of Charles Constantine of Vienne? As she could hardly be born before 910,<sup>4</sup> it would be a case of child-marriage, or perhaps more probably of child-betrothal, for she is not styled *regni consors* till 923. Her intervention in diplomas as a child is easily paralleled, e. g. Otto III intervenes at the age of two in 981.<sup>5</sup> No child of hers is known. Her marriage or betrothal to Berengar I, if we accept it as a fact, removed the objections to Berengar's coronation as emperor in 915 while his predecessor Lewis the Blind was still living, and marked an alliance between Lewis and Berengar, both of whom tended to be overshadowed by the family of Bertha of Tuscany and her son Hugh of Provence. A further advantage Berengar would gain from the alliance is obvious. The best claim to the Italian throne was given at that time by descent from the Emperor Lothair I, to whose share of Charlemagne's empire Italy had fallen by the decree of Lewis the Pious in 817 and the partition of Verdun in 843; and Anna was Lothair I's descendant.<sup>6</sup> That Anna was daughter of Lewis the Blind is of course an hypothesis founded on her name, but it would fit in admirably with other faint indications, as I hope to show below. At first sight, it is true, it seems most improbable that Lewis should marry his daughter to his ancient rival, the man who blinded him some years before. But Lewis in 915 was a broken man, and might consent to the marriage in the hope of gaining a foothold in the world for his children Charles and

*d'Italia, Ricerche storico-diplomatiche*, part v, *Diplomi di Ugo e di Lotario*, in *Bull. dell' Istituto storico italiano*, 34 (1914); L. M. Hartmann, *Geschichte Italiens im Mittelalter*, vol. iii, part ii, Gotha, 1911.

<sup>2</sup> Schiaparelli, *I Diplomi di Berengario I (Fonti per la Storia d'Italia)*, nos. cvii (915?), cxxix (920), cxxxix (923); Muratori, *Antiquit. Ital.*, iii. 57 (936). In Berengar cvii she is *dilectissima coniunx*, in cxxix *dilectae coniugi nostrae*, in cxxxix *dilectam coniugem regnique nostri consortem*. In Hugh and Lothair II's diploma she is called *olim imperatricem*.

<sup>3</sup> See my paper, *ante*, xxix (1914), p. 703.

<sup>4</sup> See *ibid.*, pp. 705 f.

<sup>5</sup> *Mon. Germ. Hist., Diplomata*, II. i, no. 265, p. 307.

<sup>6</sup> See genealogical table below, p. 338.

Anna. Further, even if we accept the evidence (which is strong) that Lewis was blinded by Berengar's order, there is also definite evidence that Berengar in the latter part of his reign was anxious to disclaim responsibility for the barbarous action. In the flattering *Gesta Berengarii*, composed after 915, which is almost a court panegyric, it is said that the blinding was perpetrated against his order, and a half-contemptuous pity combined with a reverence for Lewis's descent is shown :<sup>7</sup>

Ad haec 'Animis advertite', ductor<sup>8</sup>  
 'O proceres', inquit; 'monitus et crimina capto  
 Ne conferte viro,<sup>9</sup> generis quia sanguine pollet  
 Et forsan facinus maturis deseret annis.  
 Testetur pia iura poli, et dimissus abito.'  
 Hoc satis. Hi contra celeres cum murmure gressus  
 Intendunt, rabidas acuentes pectoris iras,  
 Nil moti dictis; potius fera murmura rodunt,  
 Non se posse malum posthac dimittere inultum.  
 Talibus adveniunt urbem muroque propinquant:  
 Illicet admissi penetrant miserabile templum,  
 Quo Ludovicus erat, subito rapiuntque ligantque  
 Et pulchros adimunt oculos. Securus in aula  
 Forte sedebat enim; idcirco pia munera lucis  
 Perdidit, obsessus tenebris quoque solis in ortu.

This, too, is the version which Constantine Porphyrogenitus, Lewis's brother-in-law, implies for the event. The insurgents blind Lewis; then Berengar rules.

ἐκέισε (at Verona) ἐπανάστησαν αὐτῷ (Lewis) οἱ τοῦ αὐτοῦ κάστρου, καὶ κρατήσαντες ἐτύφλωσαν. καὶ τότε ἐκράτησε Βεργιγγέριος.<sup>10</sup>

We may reasonably infer that Lewis and his friends accepted Berengar's self-exculpation, although it may have been in fact untrue.

## II. GUIDO, LAMBERT, AND ERMINGARDE OF TUSCANY

These three were uterine brothers and sister of Hugh of Provence. Their mother was the great Bertha, daughter of Lothair II of Lorraine by his concubine or intruded wife Waldrada, over whom he entered on his well-known contest with Pope Nicholas I. Bertha played a leading part in Italian history, to which indeed the efforts of the line of the Emperor Lothair I to recover their inheritance give a consistency which has not

<sup>7</sup> *Mon. Germ. Hist., Poet. Latin.*, iv, i, pp. 396-7, bk. iv, ll. 51-65.

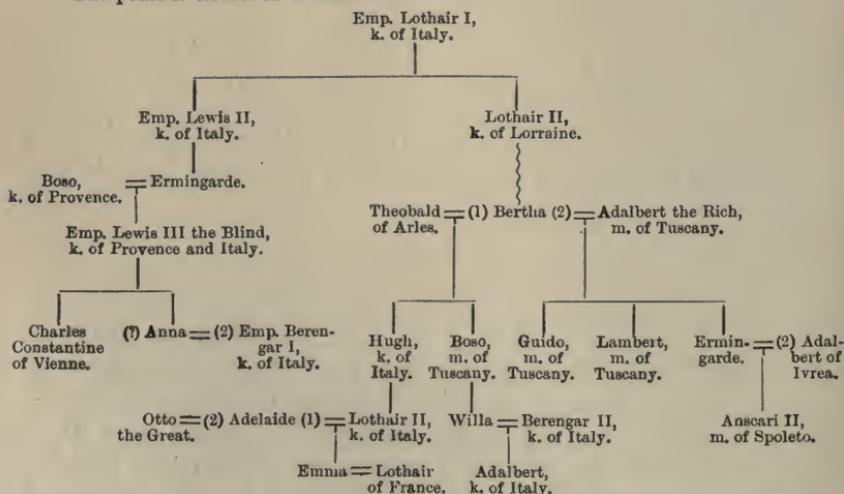
<sup>8</sup> Berengar.

<sup>9</sup> Lewis.

<sup>10</sup> Const. Porph. *De admin. imp.*, c. 26 (Migne, *Patr. Graeco-Lat.*, cxiii, c. 229).

been enough noted.<sup>11</sup> Bertha had first married Count Theobald of Arles, by whom she had children, Hugh duke of Provence and later king of Italy, Boso count of Provence and later marquess of Tuscany, and Theoberga who married first Garnier count of Troyes and secondly Engelbert viscount of Vienne. Bertha, between 888 and 898,<sup>12</sup> married secondly Adalbert the Rich, marquess of Tuscany, and bore him likewise three children, Guido, Lambert, and Ermingarde. Approximate dates for the births of these three can be found. They were given, not family names of the Tuscan house, but names reflecting the political alliances of their parents. Thus Guido and Lambert are the names of the Spoletan emperors, Ermingarde that of the mother of Lewis the Blind. Now Guido was, in addition, godson, *filiolus*, of Berengar I,<sup>13</sup> the rival of the Spoletan emperors. We must therefore find a moment of reconciliation between Berengar I and the Spoletans when Berengar's godson could bear a Spoletan name. This occurred at the meeting at Pavia of Emperor Lambert and Berengar I in autumn 896. Guido then would be christened in 896,<sup>14</sup> and Bertha probably married Adalbert in 895. About September 898 Adalbert and Bertha revolted from Emperor Lambert,<sup>15</sup> and therefore we may place the birth of their second son Lambert before that date. Their daughter Ermingarde would be born between October 900 and June 902, during the first reign in Italy of Lewis the Blind, whose rise was largely

<sup>11</sup> The point is clearer in a table.



<sup>12</sup> Poupardin, *Provence*, p. 205.

<sup>13</sup> Schiaparelli, *Dipl. Berengar. cviii.*

<sup>14</sup> The only argument against this view rests on the fact that the private documents of Lucca from June 896 to April 897 do not date by Lambert (Hartmann, *op. cit.*, p. 137, n. 15); but the mere absence of a regnal year in these private documents does not always exclude official recognition by the marquess (cf. *ibid.*, p. 204, n. 4).

<sup>15</sup> Hartmann, pp. 132 and 204, n. 4.

due to them. That Ermingarde's son, Anscari II of Ivrea, intervenes in a diploma of August 924<sup>16</sup> is another instance of a child's intervention, he being at most six or seven years old at the time.

### III. THE FIRST INVASION OF ITALY BY HUGH OF PROVENCE

A leading motive for the tergiversations of Adalbert the Rich of Tuscany and his wife, the great Bertha, seems to have been the restoration of the descendants of the Emperor Lothair I to the rule of Italy. For that they had taken part with Lewis the Blind, and had had, perhaps, a share in obtaining him his Byzantine bride, and, it may be, a Byzantine subsidy.<sup>17</sup> When he was blinded and ruined they submitted to Berengar I for a time, but after Adalbert's death, which may have happened in August 915,<sup>18</sup> Bertha, who ruled along with her son, Marquess Guido, made another attempt at revolt, this time in favour of her own son, Hugh of Provence, Hugh being the real ruler of Provence in the name of the helpless Lewis III.

The date of this first invasion by Hugh has been placed by M. Poupardin<sup>19</sup> in 923-4, after Rodulf II of Jurane Burgundy's invasion, on the strength of the account of it given by our fullest source, Constantine Porphyrogenitus :

καὶ μετὰ τοῦτο (division of the kingdom between Rodulf and Berengar) ἦλθον ἀπὸ Βεργώνια τρεῖς μαρκήσιοι Παπίαν τοῦ ἐκδιώξαι τοὺς κρατοῦντας καὶ κρατῆσαι αὐτοῦ ἦσαν δὲ οὗτοι, Οὐγῶν ὁ Ταλιαφέρνον, καὶ Βόζων, καὶ Οὐγῶν ὁ ἀδελφὸς τοῦ Βόζου, ὁ προρρηθεὶς εὐγενέστατος ῥήξ. Ἦλθε δὲ μετὰ λαοῦ ἰκανοῦ καὶ μαθῶν ὁ Βεριγγέρης, ἠτοιμάσθη, καὶ ἀπῆλθεν εἰς συνάντησιν αὐτοῦ πρὸς πόλεμον, καὶ παρακαθίσας ἐστενοχώρησεν αὐτοὺς ἀπὸ λιμοῦ, καὶ ὤρρισε τὸν λαὸν αὐτοῦ μὴ φονεύειν τινά, ἀλλ' ὅσον ἂν κρατήσωσί τινα ἐξ αὐτῶν, κόπτωσι τὴν ῥίνα αὐτοῦ καὶ τὰ δύο ὀπία, καὶ ἀπολύωσιν ὃ δὴ καὶ ἐποίουν. Θεασάμενοι οὖν τοῦτο αἱ προρρηθεῖσαι τρεῖς κεφαλαί, ἄραντες ἀνυπόδετοι τὰ θεῖα Εὐαγγέλια εἰς τὰς χεῖρας αὐτῶν, ἦλθον πρὸς τὸν Βεριγγέρην, αἰτούμενοι συγχώρησιν, καὶ ὁμνύοντες τοῦ μηκέτι ἐλθεῖν ἐνθάδε μέχρι τέλους ζωῆς αὐτοῦ, καὶ τότε ἔασεν αὐτοὺς ἀπελθεῖν εἰς τὴν ἰδίαν χώραν.<sup>20</sup>

Thus the army led by Hugh, his brother Boso, and a second Hugh, reached Pavia, but was surrounded and starved into

<sup>16</sup> Schiaparelli, *Diplomi di Lodovico III e Rodolfo II*, iv (p. 104).

<sup>17</sup> It was possibly to Lewis III or his friends that the Byzantine subsidy to the Franks, which after all never reached Italy, was sent in 904: Symeon Magister, *An. Leon. Basil. j.*, c. 14. But John Cameniates, *De excidio Thessalonicae*, c. 59, says that the money was for the Byzantine army in its war with the African Moslems.

<sup>18</sup> Hartmann, *op. cit.*, p. 205, n. 7.

<sup>19</sup> *Bourgogne*, p. 47. But Gingins La Sarraz, *Les Hugonides*, p. 48, already linked Hugh's invasion with Bertha's imprisonment.

<sup>20</sup> *De admin. imp.*, c. 26 (Migne, cxiii, col. 232). The forms of the names, e. g. Βεριγγέρης for Berengarius, show that Constantine's source was oral.

surrender by Berengar, who let the invaders retreat on terms. This account is in general credible, and agrees with the un-revengeful character of Berengar, but the date is most unlikely. In 923-4 Berengar did not rule west of the Mincio in Lombardy, and in Tuscany, where Hugh must have found his support in Bertha, Berengar was formally acknowledged at the supposed date.<sup>21</sup> But Liudprand, in a vague reference, suggests an earlier date. Speaking of the invitation of the Italian magnates to Hugh in 925, he says :

Erat enim [Hugo] longo ex tempore multis argumentis et ipse periclitans, si forte regnum posset obtinere Italicum. Hic enim et Berengarii . . . tempore cum multis in Italiam venerat ; sed quia regnandi tempus ei nondum advenerat, a Berengario territus est et fugatus.<sup>22</sup>

It seems most improbable that Hugh made his first attempt without the assistance of his mother and his Tuscan relatives, and I would associate it with another passage of Liudprand :

Hoc in tempore (c. 915) Adelbertus Tuscorum potens marchio moritur, filiusque eius Wido a Berengario rege marchio patris loco constituitur. Berta autem uxor eius cum Widone filio post mariti obitum non minoris facta est quam vir suus potentiae. Quae cum calliditate, muneribus; tum hymenei exercitio dulcis, nonnullos sibi fideles effecerat. Unde contigit, ut dum paulo post a Berengario simul cum filio caperetur et Mantue custodie teneretur, suos tamen civitates et castella omnia regi Berengario minime reddidisse, sed firmiter tenuisse, eamque postmodum de custodia simul cum filio liberasse.<sup>23</sup>

Now, after Adalbert's death, we find Guido in favour with Berengar in December 915 ;<sup>24</sup> thereafter till 924, whenever we have dated documents, Tuscany formally acknowledged Berengar. The captivity of Bertha and Guido must fall in the gaps of the documentary evidence, either 917-18 or 290,<sup>25</sup> and may be put down to the failure of Hugh's first invasion. Hugh kept his oath not to return while Berengar lived, and Bertha remained faithful to Berengar even during Rodulf's invasion. The absurd scandal Liudprand mixes up with his story should not invalidate his main facts, which in no way depend on it.

It connects very well with Bertha's preparations for revolt, c. 916, that her daughter, Ermingarde of Tuscany, married Adalbert marquess of Ivrea, which must have happened about

<sup>21</sup> Cf. Hartmann, *op. cit.*, p. 206, n. 9. The dating by Berengar cannot well be consistent with revolt in 923-4, since Berengar had *then* no means of punishing disloyalty in Tuscany.

<sup>22</sup> *Antapodosis*, iii. 12.

<sup>23</sup> *Ibid.*, ii. 55.

<sup>24</sup> *Dipl. Bereng.* cviii.

<sup>25</sup> There are gaps in the series of Lucchese documents between 13 September 917 and 27 September 918, and between 28 November 919 and 5 December 920. Either period would suit Bertha's revolt. See *Mem. e Doc. per servire all' istoria di Lucca*, v. iii.

that time if, as I have argued, she was born c. 901. By Adalbert she had a son, Anscari II of Ivrea. But Adalbert and she did not later follow Bertha's policy. Adalbert had Burgundian connexions, and they called in Rodulf II to Italy. After Adalbert's death, however, c. 923, Ermingarde eventually joined her Tuscan brothers in bringing in Hugh.

One other personage requires a mention. Who as Hugh  $\delta$  Ταλιαφέρνου? I suggest he was Hugh of Provence's nephew, Count Hugh, son of Garnier of Troyes.<sup>26</sup> The title marquess may well be a slip of Constantine's, who was used to Italian marquesses; and  $\delta$  Ταλιαφέρνου may after all not be a patronymic but a sobriquet, Tagliaferro, Taillefer, although we have no other evidence of Count Hugh's bearing it.

#### IV. THE SUCCESSION TO PROVENCE

The claim of the descendants of Emperor Lothair I to rule the *Regnum Italicum* was complicated by the rivalry of the two branches into which they were divided, the line of Emperor Lewis II and the line of Lothair II. This same rivalry was apparent in the neighbour kingdom of Provence. Hugh, the chief of Lothair II's line, had ruled the country after Lewis III had been blinded in 905; but, when in 926 he departed to become king of Italy, he evidently lost ground in Provence, for Lewis III could transfer the county of Vienne from him to his own son by Anna, Charles Constantine.<sup>27</sup> Hugh, however, had not given up his position in Provence. On the death of Lewis the Blind, which probably occurred 5 June 928,<sup>28</sup> he made the only visit of his to Provence that we know of before 942. Some results of this visit seem clear. Charles Constantine was not elected king of Provence, and Hugh, who nevertheless retained his lands and fiefs, was likewise not elected king, since no private charter of Provence is dated by his reign. On the other hand, he probably tried to act as though Provence were annexed to his kingdom of Italy,<sup>29</sup> for his charters to Provençals are issued in royal style from his Italian chancery, and, as we shall see, he at least attempted to confer Provençal fiefs. A statement of Flodoard, however, suggests another competitor and further complications. This is to the effect that in 928, probably about September, Raoul king of France and Herbert count of Vermandois met King Hugh in French Burgundy, and that Hugh gave to Herbert, for the latter's son Eudes, 'provinciam

<sup>26</sup> See Poole, *ante*, xxvii. 300 ff., and cf. below, p. 345.

<sup>27</sup> Charles Constantine first appears certainly as count 25 December 927. See Poupardin, *Provence*, p. 225.

<sup>28</sup> *Ibid.*, pp. 225-7.

<sup>29</sup> Cf. Poole, *ante*, xxviii. 111, and Hofmeister, *Deutschland und Burgund*, pp. 41 and 63.

Viennensem'. The statement is full of obscurities, but something may be made out of its wording. Flodoard seems to use *provincia* for *pagus* for these Provençal districts;<sup>30</sup> so it was Charles Constantine's county which was 'given'. It was not given to Raoul, but to Herbert direct, and as there can hardly have been a question of erecting a tiny independent state of Vienne for Eudes of Vermandois, we may infer it was to be held by Eudes in fief of Hugh. The motives of the chief actors can only be guessed at. Raoul had just been reconciled to Herbert, who had once more thrust Raoul's rival, the Carolingian Charles the Simple, into prison, and could thus be indirectly rewarded without a grant from Raoul's own domains. Hugh, besides putting in Vienne a fighting competitor of Charles Constantine, may have hoped to gain an ally in Raoul against his own enemy Rodulf II of Jurane Burgundy, whom we find in 935 to have been at war with Raoul.

However this may be, the grant of Vienne to Herbert and Eudes may never have taken effect, and in any case was soon overturned, for by the end of 930 Charles Constantine was ruling Vienne. This we learn from Flodoard, who states that at the beginning of 931 :

Rodulfus rex Viennam profectus, Karolo Constantino Ludovici Orbi filio, qui eam tenebat, subiectionem pollicitante, revertitur.

It is evident that Raoul was now intervening in the Viennois on his own account, for not only did he receive Charles Constantine's submission to himself, but Herbert of Vermandois revolted from him anew in the same year.<sup>31</sup> We may thus connect Raoul's annexation of Vienne with his undoubted rule over at least a part of the Lyonnais in 932 when he held his court at Anse in the latter district,<sup>32</sup> and the two Viennois private charters of about this time dated 'anno secundo regnante Radulfo rege Viennense' may possibly record this fleeting dominion.<sup>33</sup>

There is, however, another possibility as to the identity of the 'Rex Radulfus' of the Viennois charters. Hugh of Italy had clearly been weakened in Provence when Raoul ventured to claim the suzerainty of the Viennois and the Lyonnais in 931. Charles Constantine, his enemy, held Vienne; his brother, Count Boso, who must have been his chief lieutenant in Provence, had migrated to Italy before October 931, and was soon endowed with the march of Tuscany; Hugh himself was occupied in

<sup>30</sup> e. g. a. 924 (ed. Lauer, p. 20) 'in Lugdunensi provincia'.

<sup>31</sup> Flodoard, a. 931; cf. Lauer, *Robert I<sup>er</sup> et Raoul*, p. 61.

<sup>32</sup> Poupardin, *Provence*, p. 235.

<sup>33</sup> Hofmeister, *Deutschland und Burgund*, p. 57: see on the opposite side, Poole, *ante*, xxviii. 109.

Italy, obtaining the election of his boy son Lothair II as co-regent in April 931, while in the following years all his efforts were bent to gaining Rome and the imperial crown. For the next act of the Provençal drama M. Poupardin has proposed, with much probability, that we may link together a tantalizing statement of Flodoard and a much-suspected statement of Liudprand.<sup>34</sup> Flodoard says :

[March (?) 933] Vienna Rodulfo regi [i. e. Raoul], tradentibus eam his qui eam tenebant, deditur.

M. Poupardin points out that this renewed cession to Raoul implies a competitor in the Viennois, probably Rodulf II of Jurane Burgundy, to whom, according to Liudprand,<sup>35</sup> Hugh of Italy made a cession about this time :

His temporibus Italienses in Burgundiam ob Rodulfum, ut adveniat, mittunt. Quod Hugo rex ut agnovit, nuntiis ad eundem directis, omnem terram quam in Gallia ante regni susceptionem tenuit Rodulfo dedit, atque ab eo iusiurandum, ne aliquando in Italiam veniret, accepit.

Following M. Poupardin's correlation of events, these two passages may yield something to further examination. The date of the cession Liudprand describes is of importance. Liudprand is not careful of an exact chronological order. In iii. 46 he narrates Hugh's expulsion from Rome by Alberic, which may be placed c. December 932 ;<sup>36</sup> but in iii. 47 he describes Hugh's arrest of his half-brother Marquess Lambert of Tuscany, whom he suspected of aiming at the Italian crown,<sup>37</sup> and the subsequent promotion of Hugh's full brother Boso to the marquessate of Tuscany. It is natural to combine this suspected treason of Lambert with the invitation of the Italians to Rodulf II in iii. 48. The invitation would immediately follow Lambert's fall. But Boso first appears as marquess 17 October 931.<sup>38</sup> So the invitation to Rodulf II should have happened a little before that date, and Hugh's cession to Rodulf at some time not long before or after. Thus Hugh's cession, if it took place in spite of the doubts which have been harboured on the subject,<sup>39</sup> would be in 931, subsequent to Raoul's alliance, early in 931, with Hugh's enemy, Charles Constantine. Flodoard's notice of 933 then assists us, for he says Vienne was given to Raoul by ' those

<sup>34</sup> Poupardin, *Provence*, p. 231.

<sup>35</sup> *Antapodosis*, iii. 48.

<sup>36</sup> Schiaparelli, *ubi supra*, *Dipl. di Ugone e di Lotario*, p. 29.

<sup>37</sup> A natural suspicion as Lambert, too, was of the line of Lothair II of Lorraine. Perhaps Lambert had opposed the election of Lothair II as king of Italy in April 931. See above. A further reason was Hugh's intended marriage with Marozia, Guido of Tuscany's widow. Hugh, therefore, pretended Guido and Lambert were supposititious children of Bertha, in order to remove the canonical bar to his marriage.

<sup>38</sup> Hofmeister, *Markgrafen*, p. 405.

<sup>39</sup> Hofmeister, *Deutschland u. Burgund*, p. 63-5.

who were holding it'. Flodoard knew of Charles Constantine, and mentions him in 931 and again in 941: so his phrase implies that Charles Constantine had been driven from Vienne by certain unnamed persons before 933. But what was the land Hugh ceded to Rodulf II? Liudprand uses *Burgundia* and *Provincia* for Provence.<sup>40</sup> *Gallia* he uses once before (i. 14) for the dominions of Charles the Bald, whom he confuses with Charles the Fat. It seems to refer in a general way to France, and might well be applied in iii. 48 to those parts of the *kingdom* of Provence which lay outside Provence proper, i. e. chiefly to the counties of the Lyonnais and the Viennois.<sup>41</sup> Of the Viennois Hugh had been count before his expedition to Italy in 926; over the Lyonnais he had exercised a superior authority in 924.<sup>42</sup> It seems possible, therefore, to narrow Hugh's cession to the very districts which Raoul obtained early in 931, and part of which unnamed persons were holding in 933. Could not Hugh, to bribe Rodulf II, to check Raoul, and to drive out Charles Constantine who had a claim to all the *kingdom* of Provence, have ceded his own rights and claims in the Viennois and the Lyonnais to Rodulf II? In that case the *Radulfus rex Viennensis* of the charters will after all be Rodulf II during his brief reign at Vienne 931-3. It is appropriate that no date is known beyond the second year of Radulfus, i. e. 933. The restoration of Charles Constantine to Vienne would follow Raoul's success in 933, and accordingly we find him ruling Vienne in 941.

There still remains to investigate the identity of the unnamed persons who surrendered Vienne to Raoul in 933. Rodulf II would be mentioned by Flodoard if present. They should therefore be partisans of his who were also leaders of Hugh's party in the Viennois. Now Hugh had relations in the Viennois. His sister Theoberga, we have seen, had married first Count Garnier of Troyes, and her second son, Count Hugh, whom we have met above, never settled in Italy and is found shortly after with lands in the Viennois.<sup>43</sup> Secondly, Theoberga married Engilbert, viscount of Vienne, to whom she bore Theobald, probably Theobald I, marquess of Spoleto. Now Engilbert, viscount of Vienne and his brother Sobo, archbishop of Vienne, were both of them in office 931-3.<sup>44</sup> These three relatives, Engilbert, Sobo, and Hugh, I think, carried on the local war with Charles Constantine, and surrendered Vienne to Raoul in 933.

Further changes are suggested by Flodoard's statement that

<sup>40</sup> e. g. ii. 32, iii. 12, 45, v. 18, 28, 31, vi. 2.

<sup>41</sup> Cf. for the names of Provence, Poupardin, *Provence*, pp. 2-3 and pp. 282-5.

<sup>42</sup> *Ibid.*, pp. 205-6, and Flodoard, a. 924.

<sup>43</sup> See below.

<sup>44</sup> Poupardin, *Provence*, p. 352. There is a doubt whether Engilbert was viscount; possibly his other brother Ratburn held the office.

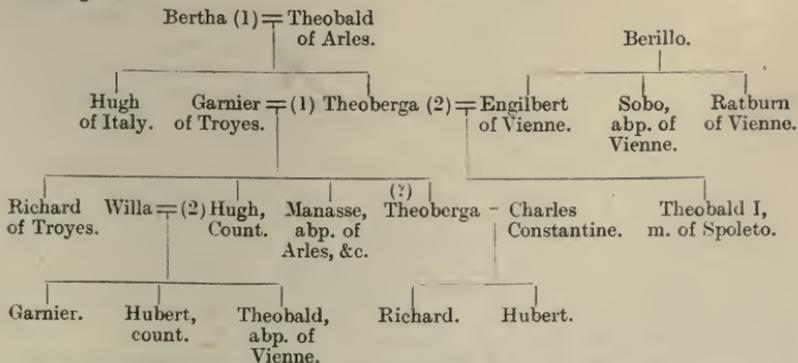
Rodulf II and Raoul became friends in June 935 ('pactaque inter ipsos amicitia');<sup>45</sup> and 14/15 January 936 Raoul died. There follow indications that Hugh took the opportunity of Raoul's death to intervene once more and to rearrange his relationship to the Viennois. Three circumstances can be combined for this view. (i) He gave to his nephew Count Hugh his great domain of Octavion in the Viennois on 24 June 936,<sup>46</sup> and thus made Count Hugh his chief representative in the neighbourhood. (ii) On 17 May 936 King Hugh makes a grant to the ex-Empress Anna, and if, as I suggest, Anna was Charles Constantine's sister, this shows a *rapprochement* with Charles Constantine. Such a reconciliation is made more probable by (iii) the third circumstance that about 960 Charles Constantine appears as married to a wife Theoberga, and as having sons Richard and Hubert.<sup>47</sup> Theoberga, Richard and Hubert are all names of the house of Garnier, and I suggest that about 936 Charles Constantine married Count Hugh's sister or even his daughter (Theoberga), and that his renunciation of his claims to the kingdom of Provence and of heirship to the line of Lothair I is indicated by the non-Carolingian names given to his sons. His father was Lewis, he was Charles, and King Hugh had carefully named his own son Lothair; it is singular that Charles Constantine abandons this tradition for the names of a line of nobles.

It is noticeable that King Hugh's charter of Octavion to his nephew Count Hugh, while couched in the terms of a sovran,<sup>48</sup> yet speaks of Octavion as 'infra regnum Burgundiae', which is perhaps a trace of the cession to Rodulf II. Hugh's willingness to abide by the cession may have been soon increased by

<sup>45</sup> Cf. Lauer, *Robert I<sup>er</sup> et Raoul*, p. 75.

<sup>46</sup> Cf. Manteyer, *Origines de la Maison de Savoie en Bourgogne (Mél. d'Archéol. et d'Hist. de l'École Française de Rome*, xix), pp. 442-5, and my *Early History of the House of Savoy*, pp. 113 ff.

<sup>47</sup> *Early History*, pp. 104 and 119-20. The descendants of Theoberga form the following tree:



<sup>48</sup> Hofmeister, *Deutschland und Burgund*, p. 46, n. 1.

the death of Rodulf II, 12/13 July 937. Rodulf left behind him a widow, Bertha of Swabia, a young son, Conrad the Peaceful, who succeeded him, and a daughter Adelaide. Hugh thereupon contrived a considerable diplomatic success. He proceeded to Jurane Burgundy, and *c.* 12 December 937 married Bertha himself as his fourth wife, and betrothed Adelaide to his son Lothair II. He thereby became entitled to the regency, to use modern language, of Jurane Burgundy. He returned, however, to Italy, leaving Conrad in Burgundy. What provision he made for the government of the country has been conjectured with much intrinsic probability by Mr. Poole, according to whom King Hugh's representative in Jurane Burgundy was the *Hugo Cisalpinus* whom Flodoard mentions as meeting the French Carolingian Louis d'Outremer in [August] 939, and Hugo Cisalpinus was identical with Count Hugh, the son of Garnier.<sup>49</sup> This rôle of Count Hugh becomes the more likely, if the theory suggested above of a peace and alliance between the two Hughs and Charles Constantine be accepted, for Count Hugh was thus freed from war in the Viennois and able to transfer his attention to Jurane Burgundy.

In some way, however, Otto the Great became possessed of the person of young Conrad in 939 (?),<sup>50</sup> and exercised thenceforward a control over the politics of Jurane Burgundy. How did matters stand with regard to the Lyonnais and the Viennois? As to the Lyonnais, it seems clear that Louis d'Outremer, on succeeding Raoul, kept at least part of the *pagus*,<sup>51</sup> but that a transfer of allegiance to Conrad took place *c.* 942-3. The case of the Viennois is more doubtful, but a series of private charters are dated in the first six years of Conrad (during the first three years the title *rex Viennensis* being mostly given),<sup>52</sup> no private charters are dated by Louis d'Outremer, and the mention which Flodoard (941, 951) and Richer (951)<sup>53</sup> make of Louis's asser-

<sup>49</sup> *Ante*, xxvii, pp. 299-308. Count Hugh seems already to have been count palatine of Jurane Burgundy in 926. This helps to fill a gap in his biography. His wife Willa was a connexion of Rodulf II, which makes the identification probable.

<sup>50</sup> Flodoard, *a.* 940: 'quem iam dudum dolo captum sibi que adductum retinebat (Otto).' Mr. Poole points out to me that *iam dudum* must be used loosely, else it would carry Conrad's capture too far back. Who kidnapped Conrad and delivered him to Otto does not appear.

<sup>51</sup> Hofmeister, *Deutschland und Burgund*, p. 58; Poupardin, *Provence*, pp. 235-6.

<sup>52</sup> Hofmeister, *op. cit.*, pp. 75-80.

<sup>53</sup> Flodoard, *a.* 941: 'Ludowicus rex a Karlo Constantino in Vienna recipitur.' Richer, ii. 98: 'ad interiores Burgundiae partes rex (Ludovicus) secum exercitum dirigit. Cum ergo in agro Mationensium castra figeret, occurrit ei Karolus Constantinus, Viennae civitatis princeps, eiusque efficitur, fidem iureiurando pactus.' This is amplified from Flodoard, *a.* 951: 'Karlus Constantinus, Viennae princeps, et Stephanus . . . ad eum venientes sui efficiuntur.' Charles promptly obtained from Louis d'Outremer a confirmation of his own gift of Communay in the Viennois to the abbey of Cluny: Bruel, *Chartes de Cluny*, i. 748 (no. 797), and Poupardin, *Provence*, p. 241.

tion of his rights in Vienne on two occasions both imply that those rights had been disregarded before each vindication of them. I infer, therefore, that Conrad was recognized almost at once as king in the Viennois, although a formal assembly, when he was elected (*vocatus*) king, may not have happened till later. Whether King Hugh was inclined to consider himself as wholly deprived of sovran rights in the Viennois by his stepson Conrad is doubtful. Queen Bertha and he had soon quarrelled and separated.<sup>54</sup> At any rate on 25 January 945 he made a gift of a Viennois *curtis* of his to the church of Vienne in the usual sovran style of the Italian chancery.

There is still the fate of Provence proper to discuss. As we have seen, there is reason to suppose that the treaty of cession recorded by Liudprand only referred to the northern districts such as the Viennois and the Lyonnais. Dr. Hofmeister<sup>55</sup> has shown that there is no real evidence for King Conrad ruling in Provence proper until about 948. On 7 October 948, however, Archbishop Manasse of Arles dates a local charter by King Conrad's reign; and on 18 August 950 Conrad himself grants a royal charter concerning a strictly Provençal *curtis*.<sup>56</sup> It is remarkable that the date thus obtained for the beginning of Conrad's reign in Provence agrees with the date of King Hugh's death as recently fixed by Signor Schiaparelli.<sup>57</sup> Hugh's power in Italy was overthrown by Marquess Berengar of Ivrea in April 945. He continued to reign as a figure-head till April 947. Then he obtained leave to retreat to Provence with his treasure, and died there 10 April 948, bequeathing his Provençal lands to Bertha, daughter of his brother Boso and the latter's wife Willa, whose name is reminiscent of the dynasty of Jurane Burgundy.<sup>58</sup> Manasse of Arles was himself another son of Garnier and Theoberga, and therefore Count Hugh's brother. The probability is that King Hugh's relatives, connected as they were with Jurane Burgundy, joined in submitting to King Conrad in 948, and thus completed the kingdom of Burgundy or Arles.

C. W. PREVITÉ ORTON.

<sup>54</sup> Liudprand, *Antapodosis*, iv. 14.

<sup>55</sup> Hofmeister, *Deutschland und Burgund*, pp. 94-6.

<sup>56</sup> *Ibid.*, p. 62.

<sup>57</sup> *Diplomi di Ugone e di Lotario*, *ubi supra*, pp. 138-41.

<sup>58</sup> She would have to be a daughter of Rodulf I and his queen Willa. But I must emphasize once more the conjectural nature of these proposed descents (in this case a very old hypothesis). But a genealogical tree of proved descents of the name Willa will show how tempting it is.

Rodulf I, k. of Burgundy = (1) Willa.

Waldrada = Boniface, m. of Spoleto.

Hubert, m. of Tuscany = Willa.

Tedald, m. of Tuscany = Willa.

Walderada = (2) Pietro Candiano,  
doge of Venice.

## *The King's Chamber under the Early Tudors*

THE break-down and disorder of the central administrative machinery of the kingdom during the troubles of the Wars of the Roses was as marked in the region of finance as in other directions, and it fell to Henry VII as almost his first task to restore to the Crown an ample revenue collected by efficient agents and guarded by a satisfactory system of account and audit. Henry had been compelled by his early vicissitudes to gather round him a group of devoted personal adherents of minor rank, who had learned in the hard school of necessity to manage their slender financial resources with care; many of them, like Bray, Conway, Guldeford, and Cutt, had had a sound training in the management of the revenues of the countess of Richmond and the old Lancastrian estates, and the new king's earliest steps after Bosworth were to place them in positions of control in the exchequer of receipt and other responsible financial offices.<sup>1</sup> The treasurership of England had lost much of its importance as a financial office with the rapid succession of treasurers who had filled it under Henry VI and Edward IV; the effectual control had fallen into the hands of the professional under-treasurers, and one of Richard III's attempts at financial reform had been marked by his promotion of Edward IV's under-treasurer, Sir John Wood, to be treasurer of England.<sup>2</sup> Henry VII appointed to the exercise of the functions of the treasurership the old Lancastrian Sir John Dynham, Lord de Dynham, though he did not grant him the office by patent until after the lapse of some months,<sup>3</sup> and it is at least doubtful whether Dynham

<sup>1</sup> Reginald Bray is mentioned as under-treasurer of England in an indenture of 16 October 1485 (W. Campbell, *Materials illustrative of the Reign of Henry VII*, i. 89), though his appointment has not been found. He was made chancellor of the duchy of Lancaster on 13 September 1485 (C. i. 26).

<sup>2</sup> Wood is mentioned as keeper of the mint, 8 Edw. IV (*List of Enrolled Accounts*, p. 105); under-treasurer, 22 Edw. IV (Lansdowne MS. 171, f. 343); treasurer of England, 17 May, 1 Edw. V (Cotton MS., Titus, B. iv, f. 32). Nichols (*Grants, etc., from the Crown*, p. 13, Camden Society, 1854) says 16 May.

<sup>3</sup> Pat. 1 Hen. VII, p. 4, m. 11 (14). For the exercise of the functions by simple command of the king, see Signed Bill no. 240, Campbell, i. 495.

had much real financial control, for the king's most trusted personal servant, Sir Reginald Bray, exercised the office of under-treasurer along with Alfred (or Avery) Cornburgh, who had carried out financial duties under the treasurership of Sir John Wood.<sup>4</sup>

In December 1485 a privy seal<sup>5</sup> was issued to the treasurer and chamberlains of the exchequer directing them to pay out of the treasure in their keeping in the receipt money for the costs incurred by the central government. The working of the old financial system was thus regularized after the change of monarch, and by the warrant the treasurer and chamberlains were directed to pay from time to time such sums of money

out of our treasure or make thereof assignations to our household, keeper of our jewels within our chamber, clerk of our great wardrobe, and clerk of our works that now be, and that for the time shall be, and to evereche of them, as shall be unto your wisdom thought behoveful for the costs and expenses of their said offices during the time that they shall be in their said offices; . . . and also for the costs and expenses of our commission or commissions, or otherwise to require for us, or for our profit in any wise; and also for the rewards of our customers, comptrollers, receivers, surveyors, searchers and approvers in our ports of England, or any of our lyvelodes or possessions, or other profits due unto us that hath been and for the time shall be, ye do pay rewards after your sage discretions; and for our profit pay ye also . . . to the treasurer of Calais for the wages of soldiers there, and in the marches or thereabouts; pay ye also of our said treasure to the clerk of our ships for the time being for all things necessary for his office. . . . And these our letters shall be your sufficient warrant and discharge.

An examination of the financial records of the reign suffices to show that the system described in the warrant for the discharge of expenses by payment out of the general treasure kept in the ancient exchequer of receipt, or by assignations of revenues that should be paid thereto, corresponded only in a small degree with that in force from 1487 onwards, and that it was a very different system that provided Henry VII with the wealth for which he was famed among his contemporaries and that gave to his kingdom a stable financial order such as had long been lacking. Henry in his reconstruction designedly turned away from the old machinery of collecting revenue through the exchequer of receipt, and fixed upon an expansion of the methods of finance of the king's chamber as those most fitted for his purposes and for establishing and making permanent the régime that was destined to bring to England lasting peace after the anarchy of the dynastic war. The system that he established endured throughout his own reign and those of his son and grandson,

<sup>4</sup> Campbell, i. 368, 565, &c.

<sup>5</sup> December 14, 1485; Campbell, i. 217-19.

and when in the reign of Mary the exchequer was again set up as the supreme financial machine of the realm, it was an exchequer that differed much from the exchequer of an earlier time. The old titles were used and the traditional methods of accounting were in part restored, but they were employed in different ways and infused with a new spirit, derived not from the practice of the ancient exchequer court, but from the methods of the simpler financial machinery of the *Camera Regis*, which, though allowed to sink into obscurity from time to time, had never entirely fallen into disuse, but was set to work in full vigour whenever it could further the purposes of strong personal rule.

The period during which these modifications in the financial system of the country were being worked out was that falling between the suppression of Lambert Simnel's rebellion in 1487 and the absorption of Henry VIII's court of augmentations into the reformed exchequer in 1553, and it is divided naturally into two portions by the great financial measures of Henry VIII in 1529. We are here concerned with the machinery employed in the earlier portion of the period before the differentiation of functions that was marked by the establishment of Henry VIII's revenue courts; the problems of procedure in the later period become more complex, though they appear to be modifications and amplifications of the chamber practice of Henry VII, and this must be studied as the first stage in their solution.

The king's chamber as a financial and administrative machine has been little studied until the recent work of Professor Tout<sup>6</sup> showed what an important part it filled in the national economy in the fourteenth century, when it was revived and worked to the full to secure the absolute control of finance for Edward II's personal adherents. Under his son the system was again revived during a period of active personal government by the king, but after about 1355 the chamber became a shadow of its former self and little more than a subsidiary department of the household. Its history throughout the fifteenth century is still veiled in obscurity, though the occasional mention of it is sufficient to show that its financial machinery was still used for important purposes. Statements have been made as to the large revenues dealt with by the chamber under Edward IV, and it has been remarked<sup>7</sup> how little information is afforded by the account rolls of the exchequer as to the income and expenditure of the Crown during the reign.

While the chamber had little importance as a financial department, the personal capacity of the treasurer of the chamber was not of prime importance; the office was combined with that

<sup>6</sup> *The Place of the Reign of Edward II in English History* (Manchester, 1914).

<sup>7</sup> Sir J. H. Ramsay, *Lancaster and York*, ii. 458, 464, 467.

of keeper of the jewels and was held by one of the household clerks.<sup>8</sup> The holder of the office after 1465, however, was a person of far more capacity and devotion than the ordinary household official. This was Thomas Vaughan, one of Edward IV's most trusted personal followers. Vaughan had great influence as an agent of the king, and an examination of his career makes it probable that during his tenure of the office the treasurer of the chamber was far more important than in the immediately precedent period. After his execution in 1483 his offices of treasurer of the chamber and clerk of the hanaper of the chancery were bestowed upon Edmund Chaderton, a clerk of the household, who had received his financial training as one of the clerks of the compting house or board of green cloth. His appointment to the office of treasurer of the chamber cannot be exactly dated, for the appointment lay directly in the king's gift by word of mouth and was not granted by letters patent, though the grant to Vaughan by patent in 1465 forms an exception to this rule. Chaderton had no time to leave a mark on the development of his office, for his tenure of it came to an end with the death of his master, but he was retained in household employ as one of Henry VII's chaplains,<sup>9</sup> and in later years his services were on occasion utilized by the king for responsible missions.<sup>10</sup>

Richard III had little opportunity during his short reign to undertake those reforms of the financial system that every one saw were essential before a proper provision for the sustenance of the Crown could be ensured. That his plans included the abandonment of the exceedingly unpopular and extortionate expedients of his brother and a reform of the chaos in the exchequer there are certain indications. The celebrated statute against the exaction of benevolences<sup>11</sup> is the best known of these, but the appointment to the treasurership of England of a trained official in the person of Sir John Wood, who had acted as under-treasurer and working head of the exchequer, points in the same direction, and other evidence is to be found in the extant financial documents in the pocket-book of his chancellor, Bishop Russell.<sup>12</sup> The most important of these is a memorandum of the year

<sup>8</sup> John Merston, treasurer of the chamber and keeper of the jewels to Henry VI, 1445-8: Rymer, xi. 76, 195. See also *Liber Niger Domus Regis Edw. IV*, in *Household Ordinances*, printed by the Society of Antiquaries, 1790, p. 42: 'The Office of Jewel House hath an architectour called clerk of the King's, or keeper of the King's jewels, or treasurer of the chamber. This officer taketh by indenture, betwixt him and the King, all that he finds in his office of gold, silver, precious stones and the marks of every thing. Also he receiveth the yearly gifts by record of the chamberlain.'

<sup>9</sup> 3 August 1486: Campbell, i. 571.

<sup>10</sup> e.g. 23 August 1489: Campbell, ii. 501.

<sup>11</sup> 1 Ric. III, c. 2, *Statutes of the Realm*, ii. 478; Stubbs, *Const. Hist.* iii. 278.

<sup>12</sup> MS. Harl. 433, f. 271, portions of which are printed in Gairdner's *Letters of Richard III*, i. 81-5. The spelling is modernized in our quotations.

1484 concerning the revenue and the exchequer, which is directed to ensuring a prompt collection of the king's revenues and the more satisfactory audit of the accounts in the upper exchequer, no official of which is to have or occupy any office in the receipt. The most interesting part of those paragraphs of the memorandum that relate to the exchequer is the suggestion that yearly declarations of revenues and issues shall be made :

It is thought that the auditors of the said exchequer should yearly make a book of all the revenues, issues and profits growing of all sheriffs, escheators, collectors of customs and subsidies, treasurer of Calais and Guisnes, collectors of dismes, bailiffs of cities, boroughs and ports, and of all other manner officers accomptable of the same exchequer with the reprises and deductions thereof, and the same book to declare afore such persons as the king's good grace shall like to assign to hear and to see it ; whereupon his grace may yearly see the profits of the said court.

Also that the Treasurer of England for the time being yearly should make a declaration of all such money as is received or assigned within his office, be it in the Receipt or be it otherwise for that year afore the said year.

Also that the said Court of Exchequer be clearly dismissed and discharged with any meddling with any foreign lyvelode in taking of accompts, as Wales, duchies of Cornwall, York, Norfolk, earldoms of Chester, March, Warwick, Sarum, and of all other lands being in the king's hands by reason of forfeiture ; which is thought most behoveful and profitable to be assigned to other foreign auditors for divers causes ensuing etc., that is to say :—First, for more hasty levy of money. Also for more ease and less cost of the officers of such lyvelode. Also for cause that the lordships may be yearly surveyed by the stewards, auditors and receivers in the times of accompts of officers of the same for reparations, wood-sales, and for other directions to be had among the tenants, with many more causes necessary.

Thus all these revenues were entirely withdrawn from exchequer control either for receipt or audit, and the barons only retained the duty of receiving the books of accounts after they had been properly declared before the appointed auditors.

A detailed examination of the accounts of the reign of Richard III would be necessary for us to determine whether the memorandum describes a system already in operation or merely a projected reform, but in all probability it embodies in large part a survey of the existing system, and that any innovations proposed were designed to tighten up and regulate those parts of the machinery that, through the negligence and incapacity of those who ran it, were yielding an unsatisfactory financial return to the Crown. There is nowhere in the document any mention of the treasurer of the chamber or of any receiver-general to whom the resulting revenues were to be paid, but the necessary existence of such an official or officials is clearly implied,

and the system of collection and audit that is set forth in outline is so precisely similar to what we find in full operation at the end of the reign of Henry VII, that it seems that we have here in 1484 an earlier form of the system of chamber finance that is set forth in developed detail in the acts concerning the king's general surveyors<sup>13</sup> that we shall consider below.

During the period 1485–1529 the office of treasurer of the chamber was filled in succession by four men—Thomas Lovell, John Heron, Henry Wyatt, and Brian Tuke, each of whom was in his time a person of importance and filled many offices in the state. Thomas Lovell, whose political career is familiar to students of the period, became an esquire of the body to the king immediately on his accession, and in all probability had been attendant on him during his exile in France and Brittany. We cannot date accurately his assumption of the office of treasurer of the chamber, for, as was said above, appointments to it were made merely by the king's verbal command, and the office was held without record and only during pleasure. Lovell was appointed to the comparatively minor office of chancellor in the exchequer for life on 12 October 1485,<sup>14</sup> and is mentioned as treasurer of the queen's chamber late in the year;<sup>15</sup> he probably took up the office in September under the general supervision of Reginald Bray, who we know was entrusted with the most important share in the conduct of the king's financial business. From the first Lovell was one of Henry's most trusted servants, as we may judge by his appointment to the speakership of the first parliament of the reign. There are continual references throughout 1486 and 1487 to moneys paid over to him from the receipt 'to the lord king into his chamber by the hands of Thomas Lovell, treasurer of his chamber', and though at first he was overshadowed by Reginald Bray, by 1490 he had attained the position ascribed to him by the Milanese envoy as Henry's chief financial agent.<sup>16</sup> He seems from the very

<sup>13</sup> 6 Hen. VIII, c. 24; 7 Hen. VIII, c. 7; 14 & 15 Hen. VIII, c. 15.

<sup>14</sup> Pat. 1 Hen. VII, p. 1, m. 18 (8). The chancellor of the exchequer was by origin the clerk of the chancellor, and therefore naturally took rank immediately below the lowest or cursitor baron of the exchequer. His functions were confined to the upper exchequer and he had no duties in the exchequer of receipt. The great modern importance of the chancellorship of the exchequer was not attained until the reign of James I, when, the office being held conjointly with that of under-treasurer of the exchequer, Sir Julius Caesar after Salisbury's death became the working member of the first commission for exercising the office of lord high treasurer. He and his successor Sir Richard Weston were the first two really important chancellors and under-treasurers of the exchequer.

<sup>15</sup> Campbell, i. 239. The treasurership of the chamber was now separated for a time from the keepership of the jewels, which office was filled by Sir William Tyler.

<sup>16</sup> Raimondo de Soncino to Sforza: 'After the departure of Dr. Ruthal for France, Master Lovell, the king's chief financier, crossed to Calais and returned with a good sum of crowns paid by the French king' (*Cal. of State Papers, Venice*, 13 July

beginning to have kept accounts which he submitted periodically for the king's inspection, for in his first extant account, of the year 1487, we find mention of an earlier book that has not been preserved. The book bears the heading,

Memorandum that hereafter ensueth the Receipts of money which Sir Thomas Lovell, Knight and Treasurer of the King's Chamber, hath received to the behoof of our sovereign lord King Harry the vijth from the iijth day of July in the second year of his reign since the accmpt ended and determined betwixt our said sovereign lord and the aforesaid Sir Thomas Lovell as well of all the receipts as of payments of money aforetime received and issued out by the said Sir Thomas Lovell as appeareth by a book thereupon remaining.

The account-book<sup>17</sup> that commences thus is a thin quarto book bound in parchment, whose contents are discussed below ; but we may here note that it is written throughout in the hand of John Heron, Lovell's successor. From the character of the accounts it is obvious that they were made up regularly at the time, and this leads to the conclusion that from July 1487 onwards, Lovell was assisted in his financial work by Heron, a deduction that appears the more likely when we find that Lovell was often entrusted with delicate missions that would carry him far from court and even over sea, while Heron was always either in the precincts of the court or at Westminster.<sup>18</sup> Though with Heron's work as a capable financier the whole of the financial history of nearly forty years is bound up, his work has fallen into an obscurity that it never deserved, for he was regarded by his contemporaries as a model accountant, and his methods certainly exercised an influence after his death. Brian Tuke writes to Thomas Cromwell in 1534,

I heard say how lately report was made upon a contention between Richard Trice and young Heron that there had been an appearance of oversight or untruth in certain parcels in Sir John Heron's time whereunto I think no man now living can now sufficiently answer but myself, who, having Mr. Heron's books in my custody, which I often peruse for the better knowledge of the king's debts and other things appertaining to my

1499). The order of influence of individuals in the government can be estimated by the demand of the rebels in 1497. Trevisan to the Doge : 'The rebels have made a demand for the surrender to them of five individuals, including the Archbishop of Canterbury, Lord Chancellor, Master Bray, Master Lovell, and the Privy Seal' (*Cal. of State Papers, Venice*, 14 July 1497).

<sup>17</sup> Public Record Office, Exchequer Accounts, Various, 413/2 (the first book in the bundle).

<sup>18</sup> Sir Thomas Vaughan while treasurer of the chamber had been granted jointly with the prince of Wales the house of the chamberlain of the abbey of Westminster (*Cal. of Pat. Rolls*, 1474, p. 455), and Heron held it and did business there under Henry VIII. Micklowe also kept the king's coffers at Westminster, and this house may have served regularly as the office of the treasurer.

office, by chance found such things in those books as may be an ample testimony of Mr. Heron's truth and security therein.<sup>19</sup>

Since Heron was treasurer of the chamber throughout the period of its greatest activity it is necessary to trace out something of his career, especially since we have to distinguish between more than one John Heron who were serving Henry VII in various capacities at the same time.<sup>20</sup> In October 1485 the future treasurer of the chamber was granted, with John Fogge in survivorship, the keepership of the rolls and writs in the common pleas in return, as the patent says, for the services he had rendered to the king and the dangers he had incurred therein.<sup>21</sup> This would seem to indicate that he had been a follower of Henry in exile, and we know that the Foggés were old Lancastrians. As has already been said, Heron began to keep the accounts of the chamber for Lovell in July 1487, and thenceforward until 1521, just before his death, we have a series of account-books in his handwriting that is almost complete and must be nearly a unique monument of the work of a public servant.<sup>22</sup> The month of July 1487, when this series begins, marks a distinct epoch in the reign of Henry VII, for it was upon June 16 that the dangerous rebellion of the earl of Lincoln and his puppet, Lambert Simnel, was crushed with the defeat of Irish kerns and German mercenaries at Stoke.<sup>23</sup> The fines that were exacted and the obligations and recognizances into which the rebels on submission were compelled to enter were exacted under Henry's personal supervision, and it was necessary for him to have at hand a machinery of account. This was provided by Thomas Lovell and his assistant Heron, and we find accordingly that the first account-book of the new sort is the 'King's Book of his Receipts',<sup>24</sup> which is filled with the records of these fines.

From 1487 onwards Heron regularly managed this financial machinery, and he rose to be treasurer of the chamber about August 1492, when Lovell was promoted to the more honourable but almost sinecure office of treasurer of the household, the lineal successor of the old keeper or treasurer of the wardrobe.<sup>25</sup> He was rewarded for his services to the king with a grant of the manor of Rye in Gloucestershire<sup>26</sup> and with various small sinecure

<sup>19</sup> Sir Brian Tuke to Cromwell, 1534 [February]: Cotton, Titus, B. iv, f. 110, extracted by Brewer, *Letters and Papers, Hen. VIII*, vii, no. 254.

<sup>20</sup> See note below, pp. 371 f.

<sup>21</sup> Campbell, i. 69; Pat. 1 Hen. VII, p. 4, m. 7 (18).

<sup>22</sup> See below, pp. 359 ff.

<sup>23</sup> W. Busch, *England under the Tudors*, i. 37.

<sup>24</sup> Fines and compositions at an earlier date had been recorded in the tellers' books of the exchequer, certain of which have been extracted by Campbell, i. 398, 565, &c. From Mich. 3 Hen. VII onwards there are no further records of such receipts by the tellers (Campbell, ii. 222, &c.).

<sup>25</sup> The actual financial officer in the household was the cofferer.

<sup>26</sup> 1487, December 11: Campbell, ii. 210, 552.

appointments, but his principal office was by no means a sinecure, and we find his name as a party to almost every obligation entered into with the king. He ceased after a time to accompany Henry on his progresses, and remained in charge of his office and clerks at Westminster. The full measure of the growth of the treasurership of the chamber under Henry VII from an office of merely court importance into the general receivership of the king's revenues is marked in the act of parliament concerning Heron and his financial duties that was passed among the first enactments of Henry VIII's first parliament.<sup>27</sup> The act recites that the king intends that divers revenues

shall be paid to his trusty servant John Heron, his General Receiver, and to other persons . . . hereafter in like office to be deputed and assigned as in the time of the late King . . . Henry the vijth. hath been used,

and it enacts that

all acquittances and bills of receipt heretofore made by the said John Heron [and to be made by his successors] of any his revenues or duties whatsoever they be, be a sufficient discharge to every such person against the King . . . as well in the King's Exchequer as in any other of the King's Courts without any other warrant, taylor or private seal thereof to be had, obtained or shewed.

The officers of the exchequer are directed to accept 'the said acquittances and bills for a sufficient discharge of the said payments', but Heron and every other person holding the said or like office of receipt is to be held chargeable to all persons interested, and shall be liable to actions on non-payment.

We may mark in this act how the general receiver has taken over functions that at an earlier date would have been discharged by the officials of the exchequer of receipt, and how he is guarded against action on their part. The financial machinery of the exchequer was in fact gradually falling into one of those periods of decline that have been recurrent throughout its history, but from which it has always sooner or later recovered.<sup>28</sup> The treasurership of England had become, if not under Dynham, at any rate on the appointment of the earl of Surrey, a purely honorific office like that of the earl marshal or lord great chamberlain. The duties of the office were executed by the under-treasurer and the chamberlains, and it is important to note that while one chamberlainship was filled by a noble, Gilbert, earl of Shrewsbury, acting through a deputy, the other was occupied by John Heron

<sup>27</sup> 1 Hen. VIII, c. 3, *Statutes*, iii. 2.

<sup>28</sup> This is illustrated by the defective state of the exchequer records. A single tellers' roll (no. 62) covers the whole period 14-24 Hen. VII; issue rolls are entirely wanting; receipt rolls are wanting in very many years. See the manuscript list in the Public Record Office.

himself, and other of the offices in the receipt were filled by men whom we know to have been serving as Heron's assistants in the chamber. Not merely did Heron hold one of the most powerful offices in the receipt: he seems also to have held, in almost every department that dealt with the collection or custody of the king's treasure, some office that gave him the right of entry or control. He was supervisor of customs in the port of London, being assisted in the oversight of the collection of this most important part of the revenue by one of his regular coadjutors, John Shurley, the cofferer of the household.<sup>29</sup> He was clerk of the jewel house,<sup>30</sup> where much of the treasure in gold and precious stones was kept, and clerk of the hanaper of the chancery,<sup>31</sup> through whom the profits of the chancery and the Great Seal were gathered. He collected the profits of the common pleas as keeper of the king's writs, and when Wolsey became the chief minister of Henry VIII, it was almost always he, Lovell, and Heron who were the king's sureties for loans either from his subjects or from the Italian financiers.

From about 1496 onwards Heron served Henry VII in his inner council, and he was entrusted with a large share in the execution of his will and the payment of his legacies.<sup>32</sup> He had a good deal to do, too, with the execution of the will of Henry VIII's grandmother, the countess of Richmond, and we constantly find him mentioned as taking part in the deliberations of that small body of personal counsellors in the king's privy chamber which in the first period of Henry VIII's reign had so important a part in the government. To trace out in detail the whole of his activities would demand more space than can here be spared, but the cursory survey that is all we can afford is sufficient to prove that Heron's functions were of infinitely more importance than those entrusted to earlier treasurers of the chamber. A few words may be added to illustrate the latter part of his career. In 1516 he received a licence to found and endow a fraternity of four wardens to be called the Guild of St. Michael, Crookyd Lane, London, to pray for him and his wife Margaret,<sup>33</sup> and he was well able to do so, for he was possessed of lands at Cressy in Lincolnshire, at Canfield, Wanstead, Walthamstow, and other places in Essex, and of the estate of Shacklewell in the parish of Hackney, together with houses at Richmond and in London. He accompanied the king to his meeting with Francis I at the Field of the Cloth of Gold and also to Guisnes to meet the emperor

<sup>29</sup> *Letters and Papers of Henry VIII*, i. 159, 1509, July 12 and 15.

<sup>30</sup> *Ibid.*, i. 3422.

<sup>31</sup> *Ibid.*, i. 4218 and ii. 2986. His accounts are in Exchequer Accounts, Various 220 (13) and (14).

<sup>32</sup> *Letters and Papers*, i. 5735-8, 5779.

<sup>33</sup> *Ibid.*, ii. 1611, Pat. 7 Hen. VIII, p. 3, m. 15.

in 1520. The last entries in his hand in the accounts occur in February 1521, and he died on 10 June 1522, leaving his lands to his eldest son Giles Heron,<sup>34</sup> a minor, whose wardship was granted to Sir Thomas More, the under-treasurer.<sup>35</sup> Giles afterwards married his guardian's daughter, Cicely More, but left no issue. His youngest son, John Heron, who at an early age had received an annuity out of the exchequer as cutter of tallies for his father's chamberlainship, afterwards became a physician, and from him was descended Sir Edward Heron, baron of the exchequer in the time of James I, and the family of the Herons of Cressy.<sup>36</sup> Sir John Heron was buried in the choir of the church of the White Friars in the ward of Farringdon Without, as we learn from Stow, before whose time, however, the church had been destroyed and its site built over.<sup>37</sup>

The functions of the treasurership of the chamber were carried on after Heron's death under Wolsey's direction by John Micklowe, who had long been one of the principal assistants in the office, but apparently never received the formal appointment.<sup>38</sup> Micklowe died in May 1523, and the functions were then discharged until the following January by Edmund Pekham, another official trained up under Heron. He had before been charged with financial work, and continued to serve the Crown in important offices until the reign of Mary, receiving the honour of knighthood and other rewards. Sir Henry Wyatt, father of the poet, who had been keeper of the jewels to both Henry VII and Henry VIII, became treasurer of the chamber in January 1524, and we have account-books of his time in Heron's form. His tenure of the office was not marked by any notable developments, and Sir John Daunce seems to have performed most of the financial duties. On 23 April 1528 Brian Tuke, the well-known secretary, was appointed and held the office till his death on 25 October 1545, when he was succeeded by Sir Anthony Rous, master of the jewel house, who was treasurer only from 25 November 1545 to 19 February 1546. The last to hold the office while it retained some importance was Sir William Cavendish, who was appointed on 19 February 1546, and acted until the arrangements concerning the treasurership were modified on the absorption of the revenue courts in the exchequer that

<sup>34</sup> Will in Prerogative Court of Canterbury; Inquisitions post mortem, Chancery Series, vol. xl, nos. 72 and 113.

<sup>35</sup> *Letters and Papers*, iii. 2900.

<sup>36</sup> Morant's *Essex*, ii. 345; Betham's *Baronetage*, iv. 32; Harl. Soc., Lincolnshire Pedigrees. The identification of the cutter of the tallies with Heron's youngest legitimate son is doubtful. It appears from his will as though he had also a natural son, John Heron, of adult age in 1521, to whom he left his house at Richmond. If this were so the cutter of the tallies should certainly be identified with him.

<sup>37</sup> Stow, *Survey of London*, ed. Kingsford, ii. 47.

<sup>38</sup> *Letters and Papers*, iii. 1826.

was planned in the reign of Edward VI, but carried out under Mary in 1553.<sup>39</sup>

The functions performed by the treasurer of the chamber during the time between 1485 and 1529 may be studied in two classes of documents, the revenue acts of parliament of Henry VIII, and the accounts kept by the treasurers. The fine series of account-books of John Heron comprises two sets of books, 'the King's Books of his Receipts' and 'the King's Books of his Payments', together with various miscellaneous books and papers incidental to the business of the office. As we saw in the passage from Brian Tuke's letter quoted above,<sup>40</sup> the books were passed on from one treasurer to his successor, and Heron's accounts were often consulted for guidance as to the practice of the office. It is difficult to trace exactly the history of the books, but it appears that on the carrying out of the exchequer reforms under Mary they were taken into the exchequer of receipt, and there the greater number of them remained with the records in the augmentation office. In 1839 the records of the augmentation office were amalgamated by Joseph Hunter with those of the ancient office of the king's remembrancer in the upper exchequer, and a number of Heron's books are now listed under Exchequer Accounts, Various. A single book of receipts and payments has remained among the miscellaneous books of the augmentation office, apparently a residuum from Hunter's clearing up.<sup>41</sup> The whole of the books, however, did not get into the augmentation office, but some were stored with the records of the receipt, and are now to be found among the miscellanea of the treasury of receipt. The books are such beautiful examples of account-keeping and contain so many signatures of Henry VII and Henry VIII, that they exerted a strong temptation on the antiquary, and in consequence certain of them disappeared from the exchequer, and after passing through many hands some have found a place in the British Museum.<sup>42</sup>

<sup>39</sup> For the foregoing dates see *Letters and Papers*, and *Acts of the Privy Council*, vol. i.

<sup>40</sup> Above, p. 354.

<sup>41</sup> Augmentation Office, *Miscellaneous Books*, vol. 439.

<sup>42</sup> I desire to convey my acknowledgements to Miss E. Jeffries Davis, who first drew my attention to the books and kindly supplied me with particulars concerning the vicissitudes of one of them upon which the following note is based. The book of payments by Heron which is now Add. MS. 21480 in the British Museum was purchased in 1856 at the sale of the library of H. B. Ray, of Pymmes, Edmonton. Ray had bought it in 1830 at the sale of Craven Ord, late secondary in the office of the king's remembrancer in the exchequer. Ord was keenly interested in exchequer antiquities, and tried to keep note of all such exchequer books as were in the possession of private individuals, and he obtained this volume, Add. MS. 21480, from Astle, the antiquary, by exchange. Astle had purchased it about the middle of the eighteenth century from Thomas Martin of Palgrave, who had married the widow of Peter Le Neve, Norroy king of arms, and one of the deputy chamberlains in the exchequer. Le Neve was a voracious collector, who took a keen interest in exchequer curiosities ;

Extracts from Heron's accounts have frequently been printed and they are repeatedly quoted by writers on the reign of Henry VII. The original books, however, have been very rarely referred to, and in almost every case the extracts quoted have been derived from a single source. During Craven Ord's service in the exchequer he made selections from the payments of Henry VII and Henry VIII in an indiscriminating manner, and recorded them in two small note-books under the title of 'Various articles of expenses of Henry VII'. The volumes were purchased at Ord's sale in 1829 and are now in the British Museum.<sup>43</sup> The extracts are written in Ord's hand throughout, and he has made very obvious explanatory comments opposite many of the items. The roman numerals of the original have been converted into arabic numerals, and the spelling is not exactly reproduced. Before 1790 a few extracts from Ord's selections were made by Thomas Astle for Robert Henry's *History of Great Britain*, and there published in an appendix.<sup>44</sup> After the volumes had reached the Museum selections were made from the first of them, and these were printed by Samuel Bentley in his *Excerpta Historica* in 1831,<sup>45</sup> again with explanatory comments and occasional defects in copying. References to the accounts are almost always made to these pages of Bentley, considerably removed though they are from the original.

Before 1487 the comparatively small amount of money in Henry VII's chamber was replenished by payments from the exchequer of receipt, either into the king's own hands or through the queen or the treasurer of the chamber. We find in the rough accounts of the tellers such items as the following :

Mich. term, 1<sup>st</sup> Hen. VII

	l.	s.	d.
To the lord the king in his chamber . . . .	2050.	0.	0.
To the same lord the king in his chamber by the hands of Elizabeth, queen of England. <sup>46</sup> . . . .	133.	6.	8.

we know from his signature that he possessed another of Heron's books (now Add. MS. 21481), and it may have been he who, having the opportunity as deputy chamberlain in charge of the records, abstracted the books from their right place. This would account for the perfect condition of the books, in which they differ from an account-book of Brian Tuke (now Add. MS. 20030) which was purchased by chance by Sir Orlando Bridgeman in 1634. This book before it was bound in the seventeenth century had been badly damaged, and had lost many of its leaves at the beginning and end. Two books of receipts and payments of Sir William Cavendish under Edward VI came at some early date into the Trevelyan Collection. Extracts from them were printed among the *Trevelyan Papers* by the Camden Society, and the volumes were afterwards presented by Sir W. C. Trevelyan to the Public Record Office.

<sup>43</sup> Add. MSS. 7099 (for the reign of Henry VII) and 7100 (for the reign of Henry VIII).

<sup>44</sup> *Hist. of Great Britain*, 6th ed., 1824, xii. 467-9 (in first 4to edition, appendix to vol. vi).

<sup>45</sup> *Privy Purses Expenses of Henry VII*, printed in *Excerpta Historica*, pp. 85-133.

<sup>46</sup> Campbell, i. 926.

Easter term, 1 Hen. VII.

*l. s. d.*

To the lord king in his chamber by the hands of Thomas Lovell, the treasurer of the queen's chamber. . . . .

666. 13. 4

1485, Nov. 28. To Reginald Bray, Kt., under-treasurer of England, by the hands of William Smyth, keeper of the hanaper of the king's Chancery, 100*l.* to the lord king in chamber.<sup>47</sup>

Money, as in this last entry, was often paid into the chamber by accountants on the king's command either by word of mouth or by signed bill, that would in the ordinary course have been accounted for in the receipt; allowance had then to be made in the exchequer by tally. This appears clearly in another example, where we find a signet bill addressed to the exchequer on 26 February 1485/6, ordering that a tally shall be delivered to William Smyth, keeper of the hanaper, in payment of 100*l.* which he has paid by special command of the king to Thomas Lovell, treasurer of the king's chamber.<sup>48</sup> After July 1487, however, we find in the tellers' books practically no such entries, and it is evident that the treasure in the chamber is being replenished from other sources. What one of those sources was we can perceive when we note that before this date the teller records under the heading of 'Receipts' many sums like the following: <sup>49</sup>

*Kent.* From John Alfegh, received as well of all the lordships, manors, farms and fee-farms being in the hands of the king by reason of the Crown as otherwise in the county of Kent, of the issues of the lordships of Milton and Merden. 100*s.*

From July 1487, the teller records no such receipts, but on turning to Lovell's accounts we find repeated entries of this sort:

[1487.] July 15. From William Malbone, receiver of the Earl of Essex' lands . . . . . 40*l.*

The receivers of lands have begun to pay their profits direct into the chamber instead of the receipt, and we have the rudiments of the system that is described in its fully developed form in the act of parliament of 1514 for general surveyors.<sup>50</sup>

From the preamble of this act we learn that in the time of Henry VII his receivers of lands and lordships, for a more speedy payment of his revenues than could have been ensured after the

<sup>47</sup> *Ibid.*, i. 240.

<sup>48</sup> *Ibid.*, i. 316.

<sup>49</sup> *Ibid.*, i. 398.

<sup>50</sup> The act, 6 Hen. VIII, c. 24, did not come into effect, for it was re-enacted with slight modifications of detail by another act of the same parliament, 7 Hen. VIII, c. 7, which took effect on 1 January, 1514/15. This was amended by 14-15 Hen. VIII, c. 15.

course of the exchequer, paid the sums due upon the determination of their accounts 'unto the king in his chamber either to his own hands or to some other person or persons to his use, as it may appear by bills or books signed with his sign manual, or to the hands of his trusty servant, John Heron'. But when the close personal supervision of the business-like Henry VII was removed, the officials of the exchequer, who had found that the system of chamber accounting had brought about a serious diminution in their fees, saw their opportunity to recover control and summoned the accountants 'to appear in the Exchequer there to render their accounts anew for the premises and be compelled to make new payments for the same in the king's receipt of the said Exchequer, as if they never had accounted nor had made payment of their said duties'. It was obvious that such a course was 'against all right and good conscience', and it was resolved by Henry VIII and his advisers to place the chamber revenue system on a more formal basis by sanctioning with the authority of an act of parliament the arrangements that Henry VII had developed out of the old traditional chamber by the exercise of his personal power. The act explicitly states that it is enacted in order that a like order of account might continue as had been used under Henry VII, and it thus provides us with a survey of the methods he adopted. The principal innovation is that two executors of the act are appointed, who practically exercise the functions that Henry VII had performed for himself with the assistance of Sir Reginald Bray and Sir Robert Southwell, whom he had chosen for these special duties of supervision by verbal command and without legal enactment. Henry VII's central machinery for the receipt and payment of money was in no way interfered with; its functions were merely safeguarded and strengthened. The balances found by the chief auditors to be due from every receiver are to be paid to the king or to the treasurer of the chamber within a definite time,<sup>51</sup> and the act goes on to provide that

the king's aforementioned trusty servant, John Heron, be from henceforward Treasurer of the king's chamber . . . and that he and every other person whom the king shall hereafter name and appoint to the said room and office of the treasurer of his chamber be not accountable in Exchequer for any such his or their receipt or any part or parcel of the premisses as before is exposed, but to the King's Highness or his heirs, or before such as his Grace shall thereunto limit and appoint.<sup>52</sup>

In this provision we can mark the lowest stage in the decline of exchequer control; an important part of the revenues of the

<sup>51</sup> 6 Hen. VIII, c. 24, § 17; 7 Hen. VIII, c. 7, § 22.

<sup>52</sup> 6 Hen. VIII, c. 24, § 19; 7 Hen. VIII, c. 7, § 24.

Crown is removed from its purview for receipt or for audit, and is placed in the hands of the king's personal servants, who can be appointed or removed without formality, and who, being untrammelled by an ancient system of checks and precedents, can adapt themselves readily to any circumstances that may arise. Dangers of a serious kind lurked in the new system, it is true, but down to 1529 they had not become manifest, and need not here concern us.

When we come to examine the schedule of the act, where the allotted revenues are set out, we cannot fail to be struck by its comprehensiveness. The system of chamber lands is revived in more than its pristine vigour under Edward II. The list includes lands of every kind; from the old possessions of the Crown we have the profits of the chamberlains of North and South Wales and of the palatinate of Chester, the receiver of all the king's lands in Wales and the marches of Wales, and the receiver of the duchy of Cornwall. From the estates of the house of York we have the receiver of Warwick's, Salisbury's, and Spencer's lands, the receiver of the duchy of York, and the receiver of the earldom of March. From the old Lancastrian estates there is the receiver of the lands late of the duchess of Somerset. The merchants of the staple are to pay to the treasurer of the chamber their customs and subsidies on wools and wool-fells; the new custom on malmsey wine is to be computed in the exchequer, but the proceeds are to be paid into the hands of the treasurer of the chamber. The butlerage, the profits of all lands forfeited by treason, attainder, and felony, the profits of the mints and the exchanges, and of the hanaper of the chancery are all to be paid to the chamber, while the profits of lands and minors are first to be computed in the exchequer, and the moneys then to be paid to the treasurer of the chamber. The act provides, as was always the case, for a separate treatment of the duchy of Lancaster.

Each of the sources of revenue that have so far been enumerated might be expected to yield an annual return, but when we come to extraordinary sources of revenue, the act is silent, and for our information we must turn to the book of account. Subsidies, tenths, and fifteenths granted by parliament or convocation appear as a rule in the reign of Henry VII to have been paid into the exchequer; but the practice was not invariable, and in Lovell's and Heron's accounts we find several receipts from these sources. Before 1487 commissioners, usually court officials, who were sent forth into the counties with warrants under the sign manual, exacted fines and compositions that were paid into the receipt,<sup>53</sup> but after that year these sums were

<sup>53</sup> For illustrations of this see Campbell, i. 565 and 99.

invariably paid into the chamber, and they were a source that yielded to Henry VII a very material part of his wealth. Every page of his books of receipts shows large sums derived from fines imposed either by the king or his council for various offences, from implication in rebellion to neglect of feudal duties, and the traditional stories of Henry's rapacity can be shown by the entries to be no idle fictions. Loans, too, are accounted for by Heron, and a mere glance at his accounts will show how many dealings both Henry VII and his son had with the Italian financiers like the Bardi, the Frescobaldi, Cavalcanti, and others, and how Heron to facilitate these financial operations had factors in every money market in western Europe. The following totals will suffice to illustrate the magnitude of the sums dealt with :

<i>Sir Thomas Lovell, treasurer of the chamber.</i>			
	<i>l.</i>	<i>s.</i>	<i>d.</i>
Receipts 9 July, 2 Hen. VII to 12 Sept., 5 Hen. VII . . . . .	36,191.	13.	1.
Sum remaining in his hands on 30 Sept., 5 Hen. VII after allowing all payments . . . . .	5,739.	17.	2.
Receipts 30 Sept., 5 Hen. VII to 1 Oct., 11 Hen. VII . . . . .	12,646.	18.	5½.
<i>John Heron, treasurer of the chamber.</i>			
	<i>l.</i>	<i>s.</i>	<i>d.</i>
Receipts from 1 Oct., 18 Hen. VII to 1 Oct., 21 Hen. VII	361,469.	8.	9.
Sums paid out between the same dates . . . . .	338,340.	7.	9.
Amount remaining in the hands of John Heron on 1 Oct., 21 Hen. VII . . . . .	22,329.	1.	0.

All these sums are authenticated by the attachment of the king's rubric.

A system that could handle and account for such sums as these, and they were greater under Henry VIII, was no mere subsidiary department of the court, but an organization of first-rate national importance, or, as Brian Tuke wrote in 1534, 'a charge that far surmounteth any in England, . . . forasmuch as in a month or in a week . . . the things be so great in receipts and payments as far exceed any mean man's charge to bear'.<sup>54</sup>

Turning now to the payments that were made by the treasurer of the chamber, we find ourselves without the definite guidance that we had for the receipts in the acts for general surveyors, but with a bewildering abundance of material in the accounts which are nearly perfect for the whole of Heron's service. Our comments must therefore be confined to generalizations and to an attempt to separate the items into a few classes according to their nature. Under the conditions prevailing about the middle of the fifteenth century the treasurer of the chamber or master of the king's jewels<sup>55</sup> was entrusted with the payment of the rewards and

<sup>54</sup> Cotton, Titus, B. iv, f. 112 (only extracted very briefly by Brewer).

<sup>55</sup> The offices were at this period combined; see above, pp. 350 f.

largesse bestowed by the king, and with the discharge of the greater part of the alms and oblations bestowed in the king's religious observances. These functions were retained by the treasurer, and continued to be discharged until the abolition of his office in the reign of George III. It is important to remember that in the fifteenth century, as at an earlier date, the household, the great wardrobe, and the chamber were entirely distinct and parallel departments of the court, each having its own revenues, each charged with its own payments and each with its own staff of clerks to keep the accounts. The financial department of the household, the lineal descendant of the medieval wardrobe, was the compting house under the general control of the treasurer of the household, but with the cofferer as its real executive officer. The funds for its maintenance were provided under Edward IV and Henry VII from the exchequer by tallies of assignment. One of the earliest acts of parliament<sup>56</sup> in the latter reign rearranged these assignments and allocated by schedule definite items of revenue to provide by assignments on exchequer revenues a fixed sum of about £14,000 for the maintenance of the household. With the collection of these sums the treasurer of the chamber had, at first, nothing to do, and it was directed that they should be paid to the cofferer of the household. But the exchequer was a cumbrous instrument for revenue collection, and the cofferer found it very difficult to get his assignments paid promptly; besides, the expenditure frequently exceeded the sum fixed. Under these circumstances he was compelled to borrow upon his tallies from the treasurer of the chamber, and the king had to make up the recurring deficits from his coffers by signed bills or verbal commands to the treasurer. We find, therefore, payments to the cofferer, and for a similar reason to the great wardrobe, among the items in the chamber accounts. On the accession of Henry VIII the assignments to the household were increased by act of parliament<sup>57</sup> to 19,39*l.* 16*s.* 3½*d.* per annum, and to the great wardrobe to 2,015*l.* 19*s.* 11*d.*;<sup>58</sup> but even these sums were insufficient to meet the expenditure. The old difficulties of collection remained, payments still had to be made in aid from the chamber, and in 1523 a further act<sup>59</sup> transferred the collection and receipt of the assignments to the now efficient chamber machinery, and the treasurer was placed in full charge. This act, however, did not remain long in force: in 1531 it was repealed<sup>60</sup> and payments were once more made direct to the cofferer.

These facts account for a considerable number of the items

<sup>56</sup> *Rot. Parl.*, vi. 298, no. 31.

<sup>57</sup> 1 Hen. VIII, c. 16.

<sup>58</sup> 1 Hen. VIII, c. 17.

<sup>59</sup> 14-15 Hen. VIII, c. 19.

<sup>60</sup> 22 Hen. VIII, c. 19.

in the chamber books, but we must carefully distinguish them from another sort of payments that might seem to be made to the household, but which really have a different history behind them. In the Black Book of the Household of Edward IV we find it ordered that certain servants of the court, such as yeomen of the Crown, yeomen of the chamber, and messengers, are to have their wages paid in the compting house by the 'chekkyr' roll; but if 'any of them be sent out of Court by the king's chamberlain, then he taketh his wages of the jewel house and *vacat* in the chequer roll till he be seen in Court again',<sup>61</sup> and it was likewise provided that the expenses of his mission should be paid from the jewel house. If the king's servants spent the greater part of their time within the verge, the provision stated would be of small importance, but when Henry VII, or perhaps Edward IV, began systematically to use the household clerks and yeomen on revenue-collecting commissions up and down the country, and when in pursuance of an active foreign policy the king's chaplains and his knights of the body were often dispatched on missions to foreign courts, payments from the chamber, now separated once more from the jewel house, became really important. This enables us to explain a further set of items in the accounts which became more frequent as time went on, for it became customary to pay the expenses of all ambassadors out of the chamber, even though they might not under ordinary circumstances be persons receiving wages on the chequer roll. Payments to foreign ambassadors are to be accounted for under the heading of rewards, while payments for jewels, in which Henry VII invested a large part of his hoarded wealth, came naturally out of the chamber as the financial side of the jewel house. It is more difficult to give a reason for the payments out of the chamber for stuffs and furniture, which should technically have been paid for from the great wardrobe; but Mr. Tout has shown that the great wardrobe grew out of the chamber, and the reason therefore is based upon historical development. The great wardrobe under Henry VII was a poor department and one that was not closely in touch with the king, while the treasurer of the chamber or one of his assistants was always at his elbow to pay for the caprices of the moment. We should do well, too, not to think of any of the court departments as being bound by inflexible rules. Custom was strong, but the word of a king like Henry VII in his own court was stronger, and the responsibility of the treasurer of the chamber for a payment was ended when he had received the king's verbal command, or when, in more important cases or if he was at a distance, he had an order authenticated by the sign manual or the court seal, the signet:

<sup>61</sup> *Liber Niger Domus Regis Edw. IV*, in *Household Ordinances*, p. 38.

The payments we have so far considered have been payments actually connected in some way with the court, but many, perhaps the majority, of the large payments in Heron's accounts could not in any modern sense be classed as court payments at all. Only when we go back almost to the undifferentiated *Curia Regis* and to the wardrobe and chamber accounts of the Edwards, can we find precedents for payments by a court official involving scores of thousands of pounds for ships and archers, ordnance and fortifications, harness, victualling, and so on. Even a brief analysis of these payments and the machinery by which they were managed by the treasurer of the chamber would demand many pages, and must of necessity here be omitted, but we can fortunately present a summary of the treasurer's duties in these respects that is actually contemporary and, though it is unsigned, may have been written by Wolsey himself. The paper <sup>62</sup> is a memorandum of directions for a regular stock-taking of the revenues and possessions of Henry VIII, and its contents are illustrated by the following extracts which bear upon the duties entrusted to Sir John Heron :

A Remembrance of such things as the King's Grace will have to be done and hath given in commandment to his Cardinal to put the same in effectual execution.

First the King's pleasure is to have yearly from henceforth brought and delivered to his own proper hands by John Heron, Treasurer of his Chamber, of such sums of money as he shall receive from time to time to the King's use, for certain his Grace's extraordinary expenses to the sum of X*m* *li.*, the same to be divided quarterly by even portions. . . .

Item, the King's Grace hath appointed every year towards his buildings till the same shall be perfected, as well at Bridewell as at New Hall and other places, after such platts as his Grace intendeth to devise, the sum of v*m* *li.*, the same to be paid by the hands of Sir John Heron over and above the said X*m* *li.*

Item, the King's Grace hath also appointed that all rewards for Ambassadors, and wages for posts and other necessary expenses, as well for fortifications of the king's frontiers and other the king's outward causes shall be paid by the hands of Sir John Heron of such the king's treasure as shall come to his hands from time to time.

In this last paragraph we have as wide a definition of the functions of the treasurer as is necessary to cover any of the payments by him that are to be found in profusion scattered through the columns of Henry VIII's letters and papers. They may all be summed up as payments for 'the king's outward causes'; almost anything that had to be paid for by reason of England's relations with foreign powers, either for war or for peace, fell to be managed by the treasurer of the chamber. The

<sup>62</sup> Cotton, Titus, B. i, f. 180 (entered by Brewer but not extracted).

discharge and punctual repayment of loans from foreign financiers, the building and rigging of the king's ships, the making of Portsmouth dockyard, the arming and equipping of archers for the Scottish wars, the purchase of artillery, a large part of the expenses for the war in France and in Spain, most of the expenses of the Field of the Cloth of Gold, and numberless other payments that to-day would be discharged out of the national treasury, all these were dealt with and arranged for by the treasurer of the chamber.<sup>63</sup>

Having said something as to the purposes for which payments were made by the treasurer of the chamber, our attention must lastly be directed to the way in which the payments were ordered and to the methods employed for auditing the treasurer's accounts. While Lovell held the post and was in close and daily intercourse with his master, practically all payments seem to have been made on the king's verbal command, and the only check adopted was Henry VII's daily or weekly inspection of the books in which all receipts and payments were recorded. The early books are remarkable for the care the king took in their perusal. Every item and every total is authenticated by the attachment of his elaborate rubric at the side; while an occasional comment here and there shows that the investigation was not merely perfunctory, but was a real proving of the books. As time went on and the business of the treasurer of the chamber became greater, orders for payment had to be sent to him in writing, and this was invariably done by sign manual or signet bill, the latter form being the less usual. The orders were not yet formalized, but were of the nature of informal directions for the dispatch of the king's personal business, authenticated by his signature as would be the orders of any private person, while if an order were authenticated by the use of a seal, that seal would be the intimate court seal, the signet.

But under Henry VIII directions for payments by the treasurer of the chamber became far more formal; the king no longer

<sup>63</sup> A typical instance of each of these classes of payments from the *Letters and Papers* may be given in illustration:—

1517, Feb. 22. Sir John Heron stands bound with Wolsey, the Lord Chancellor, for a loan to Henry VIII by the Frescobaldi of Florence: ii. 2953, also 3141.

1519, May 12. With Sir John Daunce the treasurer of the chamber pays over 8,700*l.* for the building of the ship *Henri Grace de Dieu*: iii. 219.

1513, Oct. Sir John Heron pays money to Miles Gerrard, treasurer of the Scottish war, by virtue of a warrant to discharge the expenses of the war: i. 4535, also 5250.

1515, Mar. 20. Release to Sir Sampson Norton, master of the ordnance, for moneys received from Sir John Heron for payment of arms: ii. 254.

1516, July 2. Release to Sir John Cutte of London for 43,000*l.* received by him from John Heron, treasurer of the chamber, for artillery in the French and Scottish wars: ii. 2123.

1520, Dec. 10. Sir John Heron pays expenses for the Field of the Cloth of Gold: iii. 1093.

paid that minute attention to current business that his father had done, but chose to entrust to Wolsey a larger discretion and power of government than has ever been exercised by any other English minister. Payments were still made by the treasurer of the chamber on the king's verbal command, but payments on signed warrants became more frequent, and during the king's absence from England Queen Katherine was authorized to issue warrants to Heron.<sup>64</sup> We also find him making payments on orders received from Wolsey, and these became very usual, for the enormous growth of the business of the chamber as time went on made it essential that some system of verification of the king's orders should be adopted. The payments were no longer confined to those having the character of personal actions on the king's part, but were largely concerned with matters of state. While Wolsey was the sole interpreter of the king's will things were in the hands of a man whose capacity for business was almost unlimited, and his personal supervision might be depended upon to control the governmental system in the way that Henry VII had done; but when the great minister was removed, the pressure of business proved too great to be coped with by lesser men, things began to fall into arrear and disorder, and Brian Tuke, treasurer of the chamber, writes in 1534 to Wolsey's less efficient successor, Cromwell, in an attempt to secure good government in his office:<sup>65</sup>

My most humble pursuit is that for things ordinary I may have for payments an ordinary warrant, and that for things extraordinary I may always have special warrant or else some such way as I, dealing truly, may be truly discharged. For if I should make payments by commandment and afterwards sue, myself, for particular warrant, I might be undone in a day, lacking any warrant when I sue for it. And there should be no day but I should molest the king's highness to sign my warrants, and I should enter into a common suit for every man's money.

We have already stated that under Henry VII the accounts of the treasurer of the chamber were subject to no other audit than the personal examination of the king. This was conducted according to the usual form customary in the household of any great lord of the time;<sup>66</sup> the items in the accounts were written in English with figures after the Roman fashion, and the books were intelligible at a glance, for receipts and payments were kept separate, and there was an entire absence of

<sup>64</sup> In June 1513. By Pat. 5 Hen. VIII, p. 1, m. 9, Queen Katherine was authorized to issue warrants under her sign manual to Heron for payments during her regency while the king is in France: *Letters and Papers*, i. 4179. See also no. 4202.

<sup>65</sup> Cotton, Titus, B. iv, f. 112.

<sup>66</sup> Compare the accounts of the duke of Buckingham, *Letters and Papers*, iii. 508.

the technicalities that made an exchequer account so obscure to a layman. By the act for general surveyors<sup>67</sup> the treasurer was not accountable in the exchequer for any of his receipts or payments, but only to the king or such as he should appoint for the purpose. As Tuke tells us, 'This accompt before the king's highness hath both in Sir Thomas Lovell's time, Sir John Heron's time and other been made by books of their receipts and payments daily entered and made, and sometimes weekly, sometimes quarterly or monthly signed with the king's hand without any other accompt or reckoning'. Henry VII almost always examined the accounts weekly, and was very liberal with his signatures; Henry VIII was much less regular, and signed his accounts as a rule only at the bottom of the page, writing his name in full and not merely using a rubric. In 1519 a regular period for the presentation of the treasurer's account was prescribed:

Item the king's pleasure is that from henceforth Sir John Heron, treasurer of his chamber, shall monthly declare in his Grace's own presence as well the specialities of his receipts as of his payments.<sup>68</sup>

This use of the term 'declare' is interesting, for it clearly differentiates the chamber audit from one according to the course of the exchequer. Henry VII had caused all receivers and accomptants who paid money into the chamber to accompt *by mouth* before Sir Reginald Bray and Sir Robert Southwell; and this was in reality merely a continuance of the method of accompt that had prevailed in each lordship before it fell to the Crown, but permitting the king, who now held all the lordships, to give the discharge by deputy. The system was extended and regularized under the general surveyors, but the chief receiver-general, the treasurer of the chamber, still declared his account before the king in person. When Sir Henry Wyatt left the office, however, he sued forth a commission from the king to have his books proved and cast up before Sir John Daunce, the general surveyor, and this reckoning or 'declaration', as Tuke calls it, was actually carried out, thus setting a new precedent for the treasurer of the chamber.

The declaration took place at the end of the period we have taken for our survey; and as it really marks the change to the period of wider activity when the court of augmentations and the other revenue courts were established, it is unnecessary to enter into details concerning it. Attention has been drawn to the matter as indicating that the origin of the 'Declared Account', which in the next age became the usual form in which receivers

<sup>67</sup> 6 Hen. VIII, c. 24, § 19.

<sup>68</sup> Cotton, Titus, B. i, f. 180.

secured their discharge, is to be sought not in the practice of the remodelled exchequer of Elizabeth's reign,<sup>69</sup> but in that of the chamber of the early Tudors.

ARTHUR PERCIVAL NEWTON.

NOTE.

The Herons of Ford Castle in Northumberland were one of the best known of the border families and a very prolific stock, from which sprang four or five families of note in the sixteenth and seventeenth centuries. As in most northern families it was the custom for the younger sons to come south to find their fortune in the wars or in commerce. At some time during the reign of Henry VI two such cadets of the Ford Castle stock came south and engaged in mercantile enterprise in the city of London. Richard Heron, having emerged with profit from his speculations as a merchant and having been of service to Edward IV in the victualling of his forces, was in 1474 appointed master of the king's mints in Ireland,<sup>70</sup> and in 1476 captain and victualler of the fort of Carrickfergus.<sup>71</sup> He did not relinquish his trading interests, for in 1478 we find him engaged in a lawsuit over commercial affairs with the merchants of the staple in Calais, from which he was ordered by parliament to desist.<sup>72</sup> It is possible that this Richard Heron was the father of the John Heron who, as a merchant of London in 1490, was granted a licence to import 200 tuns of Gascony wine from Bordeaux in two Spanish ships.<sup>73</sup> If this be so, we can account through his connexion with the Irish Yorkists for the share he took in furthering the schemes of Perkin Warbeck.<sup>74</sup> For this he was attainted by the act 11 Hen. VII, c. 64, but after a time he succeeded in making his peace with the king, and by 19 Hen. VII, c. 38 the attainder was removed and he was enabled to enter into and inherit his estates without suing livery. From this time onwards he served the king faithfully, and under Henry VIII we find him engaged as a mercer in the wool trade, acting as surveyor of customs and overseer of the petty customs on wool in the port of London, and entering into many transactions for the provisioning of the king's armies in France, while in 1515 he was paid for providing the ships for the journey of the king's sister Mary to France for her marriage with Louis XII.<sup>75</sup> He had made a sufficient fortune by his merchandise to purchase an estate at Addiscombe near Croydon, where he died in 1515. In his long and interesting will he tells us of his friendship with Sir John Cutt, Henry VIII's under-treasurer and Sir John Daunce the general surveyor, and by his inquisition he was shown to possess lands in St. Dunstan's in the East,

<sup>69</sup> See the article by Mrs. Eric George on the Origin of the Declared Account, *ante*, xxxi. 41, January 1916.

<sup>70</sup> *Cal. of Pat. Rolls*, 20 August 1474, p. 468.

<sup>71</sup> *Ibid.*, 11 April and 14 October 1476, pp. 583 and 596.

<sup>72</sup> 26 February 1478: *Rot. Parl.*, vi. 182, and *Cal. of Pat. Rolls*, p. 67.

<sup>73</sup> Campbell, ii. 525.

<sup>74</sup> Gairdner, *Richard III*, p. 328, says that Heron was a bankrupt London merchant who had fled the city for debt, but he does not give his authority.

<sup>75</sup> *Letters and Papers of Henry VIII*, ii. 68.

near the Customs House, at Sandwich, at Croydon, and also in Northumberland.<sup>76</sup> From him was descended the family of the Herons of Addiscombe.

William Heron, who, like Richard, came to London from Ford Castle in the middle of the fifteenth century and traded as a haberdasher, married Joan, the widow of Thomas Packer, a mercer of Wiltshire,<sup>77</sup> and we find occasional mention of him in the latter part of the reign of Edward IV; he does not appear to have filled any government appointment, but towards the end of his life he purchased lands in Lincolnshire, and these passed to his descendants. His son was John Heron, the treasurer of the chamber.<sup>78</sup>

From about 1470 onwards we find frequent references to a John Heron or Herne in connexion with the county of Somerset; he was a man of wealth, who had a sufficient supply of capital to be able to lend money on his neighbours' lands, and he served the Crown in many capacities within the limits of his county; in 1473 and again in 1492 he was a member of commissions for concealed Crown debts in Somerset, in 1477 and subsequent years a justice of the peace, in 1488 a collector of the subsidy, in 1494 on a commission for escheats, and so on. His inquisition post mortem is dated in 1511, and he was therein shown to be seised of lands only in the county of Somerset. He is thus clearly distinguished from the others of his name to whom he apparently bore no relationship. We need not concern ourselves with the bearers of the name of John Heron in the north of England, and among them the well-known Bastard Heron of Flodden, for their activities were confined to the border counties, and no confusion is likely to occur between their activities and those of the financier.

<sup>76</sup> *Wills in Prerogative Court of Canterbury*, i. 269; Inq. p. m., 8 Hen. VIII, County of Surrey, Chancery series, vol. 31, no. 86.

<sup>77</sup> He was a benefactor to the parish of St. Dunstan's in the East, and was buried near the high altar in the church.

<sup>78</sup> *Cal. of Pat. Rolls*, 21 April 1469, p. 141. See also p. 76; Morant's *Essex*, ii. 345; *Lincolnshire Pedigrees* (Harl. Soc.); Betham's *Baronetage*, iv. 32.

## *The Storming of the Rock of Cashel by Lord Inchiquin in 1647*

THE assault and capture of the Rock of Cashel in September 1647 by the parliamentary forces under Murrough O'Brien, Lord Inchiquin, has been related by several contemporary writers, nearly all of whom write from the Roman Catholic point of view : between these several accounts there exist discrepancies and divergences ; while the one first-hand authority on the protestant side is also open to criticism on some points. This paper has been written with the object of comparing these together in the hope of separating truth from falsehood, and so of presenting the reader with a correct view of what actually happened.

The two most trustworthy accounts come from diametrically opposite sources. The first is that of an unnamed officer in Inchiquin's army, who took part in the actual assault, in which he received a wound.<sup>1</sup> The second comes from the pen of a Cashel Jesuit, Andrew Sall, who, if he was not an eyewitness of the events which he so vividly records, was at least closely connected with them in time and place.<sup>2</sup> On Sall's narrative three others seem to depend in a greater or less degree, viz. : (1) that of John Lynch in his manuscript *Historia Ecclesiastica Hiberniae* ;<sup>3</sup> (2) that of a Jesuit father in the Rinuccini Papers ;<sup>4</sup> (3) that of the Irish superior of the Jesuits in *Relatio rerum quarumdam*, &c.,<sup>5</sup> which contains fuller information on certain points, but is not altogether trustworthy, as the author was somewhat credulous. Incidental allusions may be found in other works, which will be dealt with in the proper place.

As a result of the rebellion which broke out in October 1641, the medieval cathedral on the Rock of Cashel, the imposing

<sup>1</sup> *Egmont MSS. (Hist. MSS. Comm.)*, vol. i, pt. ii, p. 471.

<sup>2</sup> Printed by Murphy, *Cromwell in Ireland* (Dublin, 1902), appendix v. The narrator subsequently turned protestant, and did some work in connexion with the Irish translation of the Bible, besides writing some books. See his life in the *Dictionary of National Biography* ; also Bagwell, *Ireland under the Stuarts*, ii. 153.

<sup>3</sup> Trinity College, Dublin, MS. K. 6. 16, f. 495.

<sup>4</sup> Quoted by Meehan, *Confederation of Kilkenny* (Dublin, 1905), p. 225.

<sup>5</sup> *Spicilegium Ossoriense*, ii. 60.

ruins of which may still be seen, passed out of the hands of the Protestants into those of the Roman Catholics, and was formally reconsecrated by Archbishop Thomas Walsh on St. Patrick's Day (17 March) 1642, in the presence of the mayor and citizens of Cashel, and an immense concourse of people of all classes from the surrounding country. This energetic prelate also took steps to furnish the building in a manner suitable for the celebration of divine service according to the Roman rite. We learn from various sources that it possessed in and before 1647 bells and an organ (which may have been put in prior to 1641). The walls were adorned with paintings on canvas of St. Patrick, St. Ignatius, and other saints; while many fine tombs and monuments, of which only scanty traces remain, further enhanced the splendour of the interior. Over the entrance to the choir was a large crucifix, which presumably rested on a rood-screen inserted in the east arch under the central tower. It was also well supplied with vestments and sacred vessels. A tiny portion of an interesting relic of this period still remains. Between 1331 and 1345 Archbishop John O'Grady had presented to the cathedral the 'great staff of St. Patrick', which, though not as old as the traditional date, yet certainly seems to have been the wooden crosier of some Celtic bishop. Subsequently this passed into the hands of the O'Kearney *Cruix* family, to whom its possession, during the period under consideration (1641-7), brought material privileges. It was encased in silver, and was borne by the head of the family when 'questing' through the ecclesiastical province for the rents and revenues allotted to the upkeep of the fabric of the cathedral. A couple of inches of this crosier, with remains of the silver casing, are carefully preserved in the college at Thurles. It would also appear that the capitular body was revived, and vicars choral appointed.

But this state of affairs came to an abrupt conclusion. Early in September 1647 Inchiquin with the parliamentary forces had entered Co. Tipperary, and captured the strong fortress of Cahir with very little resistance owing to the timorousness of the garrison.\* On learning of this Viscount Taaffe, who was in command of the Munster army of the Confederate Catholics, retreated from Cashel, leaving behind him forces which he deemed sufficiently strong to hold the fortress of the Rock. After burning and ravaging the district round Cahir Inchiquin moved with his army upon Cashel with the object of subduing it; whereupon the garrison deserted that town and fled up to the Rock, whither they were accompanied by a considerable number of the townspeople, men, women, and children, who brought their valuables

\* [See Lord Inchiquin's letter of 12 September, printed in H. Cary's *Memorials of the Great Civil War*, i. 350 ff. (1842).—Ed. E.H.R.]

with them as well as a store of provisions in the hope of being able to stand a siege. The various estimates of the strength of the garrison differ. The army officer says that, reckoning civilians as well as soldiers, it numbered 800; Sall and the *Relatio* put it at 400 and 300 respectively, but these have apparently omitted the civil population.

Making allowance for the state of ruin of the buildings, the Rock of Cashel presents much the same appearance to-day as it did at the period of which we are writing. On its summit stand the great cathedral, dating from about 1250, King Cormac's chapel nestling between the choir and south transept, and the college of the vicars choral a few yards to the south of these; all of which, together with the surrounding cemetery, are enclosed by a wall which was then strongly fortified. It towers above the modern town like the Acropolis of a Greek city, and indeed it and its crown of buildings remind one somewhat of Sir William Ramsay's description of Smyrna in his *Letters to the Seven Churches*. It is not a bare, almost inaccessible rock, as those unacquainted with it might imagine; on the other hand it is an abrupt limestone hill, clothed with verdure from top to bottom, and capable of being easily scaled on all sides except one, the eastern face, where the naked limestone is exposed, so that this part must always have been the most difficult of access. Of the others the north side is the steepest, and rises almost sheer from a deep valley; while on the south and west the ground slopes more gently down to the level of the surrounding country.

What follows is based on a comparison of what we have termed the two best accounts, viz. those of the officer and of Sall. On 13 September Inchiquin entered the town without meeting any resistance, and quartered his soldiers on the citizens for the night. The next day he reconnoitred the Rock carefully, noting at what points its defences seemed most susceptible to attack. Fortunately for the preservation of the buildings he had no artillery, though local tradition incorrectly states that certain indentations in the base of the round tower were made by his cannon-balls on this occasion. Taking into consideration the strength of the fortifications, the shortage of food in his army, and the want of convenient means for storming the place, he resolved to grant quarter upon immediate surrender. According to Carte<sup>6</sup> he offered the garrison and inhabitants leave to depart, provided they gave him £3,000 and a month's pay for his army. The officer gives no particulars, but merely says that the garrison 'stood upon very high terms', and subsequently proposed others, which Inchiquin refused to accept. Sall and the Rinuccini Papers

<sup>6</sup> *Life of Ormond* (Oxford, 1851), iii. 323.

state that he offered to allow the soldiers to march out with all the honours of war, provided the clergy and civilians were left to his discretion, and that this was utterly rejected. Be the terms what they may, Inchiquin was so enraged at the obduracy of the garrison that he ordered the assault on the 15th, swearing that he would not suffer one of the defenders to come forth alive.<sup>7</sup>

The assault commenced at three in the afternoon, and in about an hour the parliamentary army were masters of the situation. The attacking force divided into three parties, which approached the fortress on the three sides on which the position seemed weakest; that is, it was attacked on the north, south, and west, where the hill was most easy of ascent. Sir William Bridges headed 150 dismounted cavalry armed with swords and pistols; four majors of infantry led up 800 as a forlorn hope to each post, and were seconded by four lieutenant-colonels with 1,200 men. So it would appear that the actual storming-party consisted of 2,150 men, and was further supported by having behind it the main body of the army, whose numbers we do not know.<sup>8</sup> The assailants charged up the hill under fire from the marksmen on the battlements of the cathedral, until they reached the wall which surrounded the summit, where a temporary relief was afforded them from the hail of bullets. Against this wall they placed their scaling ladders (Lynch says they also breached it), and began to ascend them. On this a portion of the garrison sallied forth and offered a vigorous resistance to their entrance by pushing them off the ladders and by hurling down stones on top of them. But the weight of superior numbers told, and the soldiers soon gained a footing within the enclosure. Here the contest raged fiercely, and every inch of ground was stubbornly disputed, until at length the defenders were compelled to retreat with very heavy loss to their last post of hope, the cathedral, which stands in the middle of the cemetery. The parliamentarians rushed with redoubled energy on this building, and finding it difficult to force the great north and south doors, planted their ladders against the walls, and burst in through the tall lancet windows in the transepts, the east end, and the south side of the choir.

At length the defenders, now reduced to some sixty or so, rushed up the winding stairway in the pentagon tower which gives access to the battlements. It is worthy of note that the topmost

<sup>7</sup> Sall implies that the reconnaissance and assault took place on the same day, which he gives as the 14th; the Rinuccini MS. also combines the two, but places them a day earlier. The *Relatio* incorrectly states that severe fighting took place previously to the discussion about terms of surrender.

<sup>8</sup> Lynch and Sall record the tradition that several members of Inchiquin's army had *tails*, being the descendants of the people who cut off the tail of Thomas Becket's horse.

steps have been broken away at some time, and subsequently replaced by stone of a different quality. Can it be that this was done by the garrison prior to the attack in the hope of affording themselves a position where they might make a last desperate stand? If so, they did not attempt to carry out their design, for they offered to surrender on condition of their lives being spared; but it is said that as soon as they had laid down their arms in compliance with this agreement the order was given to kill them all without exception. This treacherous act is recorded by Sall and the Rinuccini MS., and is probably true. Lynch also alludes to it, but states that those who were thus killed had hidden themselves in various nooks and corners of the cathedral; it is clear that he is confusing civilians with soldiers. The officer preserves silence on this matter, but says that none of the garrison escaped except one major and the governor.

As soon as the place was in their possession the soldiers gave themselves up to plunder and spoliation. A rich booty fell into their hands, for, in addition to the sacred vessels and vestments, they seized on the goods and valuables which the citizens had brought up for safety from the town. They also found six hundred arms (nature not specified), a store of powder, several colours, with the sword and mace of the mayor and some of the aldermen's gowns. Everything of any value was subsequently sold by them to the country-people, who flocked together from the neighbouring villages as to a fair, despite the terror that Inchiquin's name is supposed to have inspired. In addition the soldiers smashed and destroyed everything they could, the statues, the pictures, the organ; they overturned the altars, and broke into the tombs in search of concealed treasure. Some of them in mockery dressed themselves in vestments, while Inchiquin himself is reported to have put on the archbishop's mitre, declaring that he was archbishop of Cashel as well as governor of Munster. It is also said that the city was plundered, and a considerable portion of it burnt. The truth appears to be as follows. Inchiquin's soldiers *threatened* to burn the city in the hope of extorting a ransom, and gave colour to their threats by applying brands to the wooden houses; the leading citizens thereupon offered a sum of money, which was accepted, but in the meantime the fire had caught on, and despite the efforts that were made to check it, got out of hand, and did considerable damage. It is stated by Archbishop Moran, apparently quoting from the *Relatio*, that in the town 3,000 people were massacred by the soldiers, and the statement has been lately repeated. Where is the evidence for this terrible piece of work? We know of none, except a reference in Ludlow's *Memoirs*,<sup>9</sup> which gives

<sup>9</sup> Ed. Firth (1894), i. 85.

the same number, but says that the incident took place in the cathedral ; this we shall show to be incorrect further on.

So far the narrative may seem to run with comparative smoothness, but it is when certain details are examined that difficulties are found to arise, and these must be scrutinized with care. We hold no brief for either side, and only desire to separate the true from the false as far as is possible. Inchiquin's soldiers *may* have been capable of committing any atrocity ; but the point at issue is, not what they might have done, but what they actually did.

In the first place, how many fell on both sides ? Here the greatest discrepancies appear in the accounts. Sall, who is usually trustworthy, says 1,000 catholics and 500 of Inchiquin's army ; Lynch gives the figures as 300 and 600 respectively ; the Rinuccini MS. as 812 and 500 ; the *Relatio* as 400 and 500 (912 in all) ; O'Daly in his *History of the Geraldines*<sup>10</sup> as about 80 on each side. This is bad enough ; but to make confusion worse confounded our other trustworthy authority, the army officer, declares that 700 catholics were killed, and only *eight* of Inchiquin's men, in addition to about a hundred wounded. This is sheer nonsense. The garrison was too strongly entrenched, and fought too courageously, to admit of the place being taken with such considerable loss to the attacking party. It may be that the officer was directed to minimize his losses, for Sall states that a story was put in circulation to the effect that only six or seven of Inchiquin's men were killed. It is impossible to reconcile the figures quoted above, though it may be that some of the authorities include civilians (combatant or otherwise), while others omit them ; but we may assume that the general statement made by the Nuncio Rinuccini<sup>11</sup> is nearest the truth, namely, that the number of fighting men who fell on each side was nearly equal. Obviously this would weigh heaviest on the garrison, as it appears to have been outnumbered by at least three to one.

What befell the civilians who had taken refuge on the Rock ? Sall says, and his words have been echoed and amplified by the writers who depend on him, ' Old men on the very verge of the grave, whose weapons were their rosaries, defenceless women and children, were struck at the very altars, without regard to age or sex '. But this rhetorical sentence, which would imply a wholesale massacre in cold blood, is modified by his statement that many of the wealthier were spared for the purpose of extorting a ransom from them, while a few (amongst them the mayor and his son) hid themselves and so escaped scatheless. It is fairly certain, however, that some civilians lost their lives, but it is not a stretch of imagination to suppose that every man of them who was able seized a weapon, and fought to the best of

<sup>10</sup> Ed. Meehan (3rd edition), p. 201.

<sup>11</sup> *Nunziatura* (trans. Hutton), p. 320.

his ability against the enemy swarming in from all sides : as a natural consequence no mercy would be extended to those found with arms in their hands, but this was very far removed from a deliberate massacre.

The fate of the women presents a curious problem. The officer distinctly states that some were killed. May it not be that they too, Amazon-like, took part in the conflict, and fell fighting for all they held dear ? With regard to others of them Archbishop Moran says in his abstract from Lynch :<sup>12</sup> ' Some women, concealed in the recesses of the church, were stripped of their clothes, and refusing to come forth, were soon mantled in their blood.' This is a strange translation of Lynch's words : ' Aliquot foeminis non vita sed vestis erepta est, quae nuditatem suam in templi latibulis sanguine tegere quam soli exponere maluerunt ' (*literally* ' From several women the raiment, not the life, was snatched, who chose rather to conceal, in (or among) the blood their nakedness in the hiding-places of the church than to expose it to the light of the sun'). Sall says much the same : ' Women, whom the sword had spared, were stripped and sent away, yet not daring to expose their nakedness to the light of day, slunk into the corners of the temple and covered themselves with blood.' Admittedly this language is peculiar, but it does not warrant the inference that has usually been drawn, namely, that these women were stripped and murdered. May not the following explanation be nearer the truth ? Inchiquin's soldiers robbed certain women of their valuables, and also tore off portions of their clothing, not necessarily from indecent motives, but because the garments in question possessed a selling value. When they managed to free themselves these unfortunate people, half-dead with shame and terror, crept away into the nooks and passages of the cathedral and for safety's sake simulated death by crouching down behind the piled-up bodies of the defenders, where, no doubt, many of them actually swooned away, and so were indistinguishable from corpses.

With regard to the number of priests killed there is much exaggeration, which, curiously enough, comes in its most extreme form from the protestant side. Archbishop Moran says twenty.<sup>13</sup> An untrustworthy authority, the *Aphorismicall Discovery*,<sup>14</sup> says upwards of thirty, and adds that Inchiquin bought others at £5 apiece for the purpose of executing them or of selling them into slavery. On the protestant side the officer says *many* priests and friars ; while, to show how quickly a false rumour can spread, we find in a letter written only nine days after the event the statement : ' It is confidently reported that about a hundred friars are hanged, some say three hundred. Would I were sure of it.'<sup>15</sup> In

<sup>12</sup> *Persecution of Irish Catholics* (Dublin, 1884), p. 56.

<sup>13</sup> *Op. cit.*, p. 52.

<sup>14</sup> Ed. Gilbert, i. 182.

<sup>15</sup> *Egmont MSS.*, vol. i, pt. ii, p. 468.

either case the wish was father to the thought, though it sprang from different motives. One party rejoiced that so many 'popish priests' had perished; the other hoped that by increasing the number of its martyrs it would be enabled to blacken still further the character of Inchiquin and the puritans. Sall gives the number as *five*, which is obviously a slip on his part, for Lynch gives it as *seven*, and records the names in full as follows: Theobald Staplêton, chancellor of the cathedral; two vicars choral, Thomas Morrisey and another Theobald Stapleton, who was author of an Irish catechism printed in roman type; Richard Barry, prior of the Dominicans of Cashel; Richard Butler and James Sall, Franciscans; and William Boyton, a Jesuit. As to two of these fuller details are given. It is stated that one of the Stapletons, robed in surplice and stole, and holding a crucifix in his left hand, sprinkled with holy water the hostile troops as they burst in, exclaiming as he did so, 'Let God arise, and let His enemies be scattered', &c. Mad with rage the soldiers rushed upon him, and dispatched him with repeated strokes of their swords. This incident is only recorded in the *Relatio*, a not too trustworthy authority, whose author was somewhat credulous, as witness his account of the appearance of St. Patrick to one of Inchiquin's officers. Nevertheless, it bears the likeness of truth; and we cannot but admire the courage of the unfortunate man for performing an action, with the apparent object of encouraging his co-religionists, which was eminently calculated to bring down upon him the extreme fury of the puritan soldiery.

Of the death of Richard Barry, prior of the Dominicans, the following is related. When the captain of the storming party had entered the building his eyes fell on this friar, who was dressed in the habit of his Order, and struck by his noble appearance, he offered him his life, provided he rid himself of the habit. This Barry refused to do, alleging that it was the 'livery of his warfare', and persisting in this attitude he so enraged the captain that the latter ordered him to be bound to a stone chair, and had a slow fire lit around his feet and legs, until he expired after two hours of torture. We have no hesitation in branding this horrible story as an absolute falsehood. In the first place, the evidence for it is the slenderest possible, resting on the statement of O'Daly alone, unsupported by any other authority. If there were a particle of truth in it we might expect some allusion to be made to it by the other narrators, but none such is found. Furthermore, Inchiquin's object was to subdue the garrison, and to squeeze money out of the citizens, not to convert friars; while as soon as the fighting had ceased the soldiers rushed off in search of plunder, and it is improbable that any of them would have wasted precious moments in torturing a priest while loot, which might have been

theirs, was being greedily snatched up by others. Indeed, worthless as Inchiquin may have been, we cannot imagine him sanctioning such a fearful deed as is alleged by O'Daly.

When the narratives are compared and the evidence weighed, the following summary appears to the present writer to be as true a statement of the case as can be made out. The garrison fought bravely against great odds, and caused serious gaps in Inchiquin's ranks, but suffered very heavy losses, perhaps to the verge of annihilation; for even if the numbers that fell on both sides were about equal, it should be remembered that the defenders were outnumbered by at least three to one. It is possible that some were killed in cold blood after surrender, but it must also be borne in mind that the majority fell in fair fight. It is certain that some civilians, women as well as men, also perished, but it may safely be assumed that these too were fighting with the fierceness of despair. That some children and old persons were also killed by the soldiers when they had broken through the last line of defence, and were 'seeing red', is also probable; but there is no evidence for a wholesale, cold-blooded massacre of non-combatants of both sexes. Seven priests, and seven only, were killed; while if we may judge from an incidental remark in the *Relatio*, there were others present who escaped. Such stories as the torturing of Barry, or the massacre of three thousand citizens, are without foundation. To say of the entire episode, as a modern writer has done, that 'there is not on record a more appalling tragedy', is a deliberate misuse of words, even if we confine the expression to Irish history in the seventeenth century. Yet, even when every allowance is made for exaggeration and bias, it must be admitted that very awful scenes of bloodshed attended Inchiquin's capture of the Rock of Cashel in 1647.

The cathedral was consecrated afresh by Archbishop Walsh on 13 July 1648, and was again used for divine service by the Roman Catholics. An interesting relic of this second occupation is still extant in the shape of a handsome silver-gilt chalice, inscribed *Ad usum ecclesiae cathedralis Sancti Patricii Cassellensis 1649*.<sup>16</sup> But with the resistless progress of Oliver Cromwell in 1649-50 events took another turn. The cathedral then seems to have lain derelict until the Restoration, when it once more passed into the hands of the protestants, by whom it was restored, as appears from entries in the chapter books.

ST. JOHN D. SEYMOUR.

<sup>16</sup> This is now at Cashel, where the Very Rev. Dean Ryan, P.P., permitted the writer to examine it. It is said that it was purchased from its then owner by Archbishop Agar (1779-1809), and presented by him to the parish priest of Cashel. It bears no hall-mark.

## *Notes and Documents*

### *A Tract attributed to Simeon of Durham*

THE anonymous tract *De Iniusta Vexatione Willelmi Episcopi Primi*<sup>1</sup> is worthy of more attention and of a more critical study than it has yet received.<sup>2</sup> Since it gives the only detailed account which we possess of the dispute between William Rufus and William of St. Calais, bishop of Durham, and of the trial of the latter before the *curia regis* at Salisbury upon a charge of treason in connexion with the rebellion of 1088, our judgement as to the bishop's guilt or innocence must in large measure depend upon our estimate of its value. Freeman<sup>3</sup> was very reluctant to recognize its high authority as compared with his favourite 'southern writers', the Anglo-Saxon chronicler, Florence of Worcester, and William of Malmesbury; but his distrust appears to be unwarranted.

The tract is manifestly made up of two distinct parts: (1) the main body of an original *libellus*, concerned exclusively with the bishop's 'vexation', beginning on p. 171, 'Rex Willelmus iunior dissaisivit Dunelmensem episcopum', and ending on p. 194, 'rex permisit episcopo transitum'; and (2) introductory and concluding chapters which contain a brief sketch of the bishop's career before and after his unfortunate quarrel with the king and his expulsion from the realm. The joints at which the separate narratives are pieced together are apparent upon the most cursory examination. Not only is there a striking contrast between the detailed and documentary treatment found in the body of the *libellus* and the bare summaries which make up the introductory and concluding paragraphs, but the reader is actually warned of the transition in the last sentence of the introduction by the phrase, 'Quam rem sequens libellus mani-

<sup>1</sup> Published in Dugdale's *Monasticon Anglicanum*, i. 244-50, and in Simeon of Durham, *Opera Omnia*, ed. T. Arnold (Rolls Series), i. 170-95. Our references are to the latter edition.

<sup>2</sup> Professor G. B. Adams has recently made it the basis of an admirable article entitled 'Procedure in the Feudal Curia Regis' (*Columbia Law Review*, xiii (1913), 277-93); but he has confined his attention in the main to forms of procedure, and has dealt only incidentally with the critical problems involved.

<sup>3</sup> *Reign of William Rufus*, i. 28 ff.; ii. 469-74.

festat ex ordine' (p. 171). The two parts of the tract are evidently derived from different sources and written at different times by different authors.

The *libellus* properly so called, i.e. the central portion of the tract, is a narrative well supplied with documents; it has all the appearance of being contemporary and by an eyewitness, and is manifestly a source of the greatest value for the facts with which it deals. Dr. Liebermann, with his unrivalled knowledge of medieval English legal materials, has declared that there is no ground for doubting its authenticity; <sup>4</sup> and Professor G. B. Adams, who also finds abundant internal evidence of its genuineness, points out, as an indication that it was written by an eyewitness in the company of Bishop William, the fact that no attempt is made to tell what went on within the *curia* while the bishop and his supporters were outside; he considers it more 'objective and impartial' than Eadmer's better known account of the trial of Anselm before the council of Rockingham.<sup>5</sup> The author, it may be conjectured, was a monk of Durham who stood in somewhat the same favoured position among the intimates of Bishop William as that occupied by Eadmer with regard to Anselm; and while we know nothing of his personality, it is perhaps worth remarking in passing that he may very well be the 'certain monk' (*quendam suum monachum*) who acts on at least two occasions as the bishop's messenger (pp. 172, 175). The account in the earlier instance is so intimate and personal as strongly to support this hypothesis: 'Ipsum quoque monachum episcopi, qui de rege redibat, accepit et equum suum ei occidit; postea peditem abire permisit.'

The introduction and the conclusion of the tract, on the other hand, are not a first-hand narrative; and fortunately we possess the source from which they are derived. The introduction (pp. 170 f.), dealing with the bishop's career prior to the rebellion of 1088, contains nothing which is not told with much greater fullness in the opening chapters of the fourth book of the *Historia Dunelmensis Ecclesiae* of Simeon of Durham.<sup>6</sup> It is in fact a mere summary of those chapters; and while the author is no servile copyist, he evidently had no other source of information. It seems safe to conclude, therefore, that he was not identical with the author of the original *libellus*. Judged by style and method, the conclusion of the tract (pp. 194 f.) appears to be by the same author as the introduction. It, too, is clearly an abridgement of the *Historia Dunelmensis Ecclesiae*, iv. 8, 9,<sup>7</sup> though with this notable difference from the intro-

<sup>4</sup> *Historische Aufsätze dem Andenken an Georg Waitz gewidmet* (1886), 159, n. 10.

<sup>5</sup> *Columbia Law Review*, xiii. 277-8, 287, n. 34, and 291.

<sup>6</sup> *Opera*, i. 119-22 and 127-8.

<sup>7</sup> *Ibid.*, 128-9.

duction, that it contains some matter not to be found in the *Historia*; e.g., the statement that the exiled bishop was entrusted by the duke with the administration of all Normandy, and the notices of the expedition of William Rufus against King Malcolm in 1091, and of the presence of the Scottish king at the laying of the first stones in the foundation of the new cathedral at Durham in 1093. Apparently, for these more recent events, the writer was drawing upon his own first-hand knowledge. The date at which the introductory and concluding chapters were appended to the original Durham *libellus* cannot be fixed with exactness. The reference to Anselm as 'sanctae memoriae' (p. 195) shows that they were written after his death in 1109,<sup>8</sup> and since, as will appear below, they in turn were used in the *Historia Regum*, which is commonly attributed to Simeon of Durham, the *terminus ad quem* cannot be placed much later than 1129.<sup>9</sup>

The relationship between the above-mentioned additions to the Durham *libellus* and the *Historia Regum* may be displayed by the following quotations.

The introduction to the Durham tract closes with the following sentence :

... sed orta inter regem et primates Angliae magna dissensione, episcopus [i. e. William of Durham] ab invidis circumventus usque ad expulsionem iram regis pertulit, *quam rem sequens libellus manifestat ex ordine* (p. 171) ;

and the conclusion opens as follows :

*Anno sui episcopatus octavo expulsus est ab Anglia, sed a Roberto fratre regis, comite Normannorum, honorifice susceptus, totius Normanniae curam suscepit. Tertio autem anno, repacificatus regi, recepit episcopatum suum, ipso rege cum fratre suo totoque Angliae exercitu, cum Scotiam contra Malcolmum tenderent, eum in sedem suam restituentibus, ipsa videlicet die qua inde pulsus fuerat. Tertio Idus Septembris, secundo anno suae reversionis, ecclesiam veterem, quam Aldunus quondam episcopus construxerat, a fundamentis destruxit* (pp. 194 f.).

The account of the rebellion of 1088 in the *Historia Regum* (at this point almost wholly independent of Florence of Worcester) ends with the expulsion, not of Bishop William of Durham, but of Bishop Odo of Bayeux :

... et ita episcopus [i. e. Odo] qui fere fuit secundus rex Angliae, honorem amisit irrecuperabiliter. *Sed episcopus veniens Normanniam statim a Roberto comite totius provinciae curam suscepit; cuius ordinem causae libellus in hoc descriptus aperte ostendit. Etiam Dunholmensis episcopus Willelmus, viii. anno episcopatus, et multi alii, de Anglia exierunt.*<sup>10</sup>

<sup>8</sup> Cf. Arnold's introd., i, p. xxv. The *Historia Dunelmensis Ecclesiae* which they abridge was composed between 1104 and 1109; *ibid.*, p. xix.

<sup>9</sup> On the date of the composition of the *Historia Regum*, see *ibid.*, ii, introd., pp. xx-xxi; cf. i, p. xv.

<sup>10</sup> *Ibid.*, ii. 216-17.

And in a later passage the king's restoration of Bishop William to his see is thus recorded :

*Veniens Dunelmum, episcopum Willelmum restituit in sedem suam, ipso post annos tres die quo eam reliquit, scilicet iii. idus Septembris.*<sup>11</sup>

Thomas Arnold, the editor of Simeon's *Opera*, remarks upon the clause ' cuius ordinem causae libellus in hoc descriptus aperte ostendit ' of the *Historia Regum*, ' This " libellus ", describing Odo's administration in Normandy, appears to be lost '.<sup>12</sup> Taken by itself the passage is obscure, and it is perhaps not surprising that the editor wholly mistook its meaning. But a comparison of it with the clause ' quam rem sequens libellus manifestat ex ordine ' of the Durham treatise at once resolves the difficulty. The verbal similarities are striking, and the author of course uses the puzzling *causae* because the source from which he drew was in fact the account of a *causa*, viz. the trial of William of St. Calais before the *curia regis*. It is clear, therefore, that the *libellus* to which the author of the *Historia Regum* refers his readers is not a lost treatise on the administration of Bishop Odo in Normandy (as Arnold supposed), but in fact the Durham tract on the ' unjust vexation ' of Bishop William, which Arnold had himself already published in the first volume of Simeon's works. A further comparison of all the passages which have been indicated by italics in the foregoing excerpts fully confirms this conclusion and reveals the extent of the debt of the *Historia Regum* to the Durham treatise. Not only the verbal agreements but the close similarities in thought are so marked as to preclude every possibility of independence.

We are now in a position to see how the author of the *Historia Regum* worked. Having before him the chronicle of Florence of Worcester (which he regularly followed), with its dark picture of Bishop William's treason, and the elaborate Durham tract in his defence, he chose to suppress all reference to the bishop of Durham in connexion with the rebellion, and substituted for him Odo of Bayeux as a scapegoat. Then at the end of his chapter he added, apparently as an afterthought, and borrowing directly from the Durham tract, that Bishop William ' departed ' from England in the eighth year of his episcopate. The statement of the *Historia Regum*, therefore, that Odo of Bayeux upon his expulsion from England after the fall of Rochester went to Normandy and had the ' care ' of the whole duchy committed to his charge, is valueless. If that honour belongs to any one, it is to William of St. Calais, bishop of Durham, as set forth in the conclusion of the tract *De Iniusta Vexatione*.<sup>13</sup>

<sup>11</sup> *Ibid.*, p. 218.

<sup>12</sup> *Ibid.*, p. 217, n. a.

<sup>13</sup> Cf. *Historia Dunelmensis Ecclesiae* (*Opera*, i. 128): ' . . . quem comes Normannorum non ut exulem, sed ut patrem suscipiens, in magno honore per tres

But the author of the *Historia Regum* was a clumsy borrower, and we have not yet reached the end of the confusion which has arisen as the result of his easy way of juggling with his sources. In a later passage in which he deals with the return of Bishop William to his see at the time of the expedition of William Rufus against King Malcolm in 1091, he explains that the restoration of the bishop took place on the third anniversary of his retirement, 'that is, on the 3d before the ides of September.' Freeman, relying upon this text, but apparently mistaking ides for nones, states that the arrival of the king in Durham and the reinstatement of the bishop took place on 3 September.<sup>14</sup> Comparison with the parallel text of the Durham tract, however, makes it clear that the author of the *Historia Regum* has here again made an unintelligent and altogether misleading use of his source, copying almost verbatim, but detaching the phrase 'iii. idus Septembris' from the next sentence, where it properly refers to an event of the year 1093.<sup>15</sup> It is necessary, therefore, to get back to the evidence of the *De Iniusta Vexatione*, which not only says that Bishop William was reinstated on the third anniversary of his expulsion, but fixes that earlier date with exactness: 'Acceperunt ergo Ivo Taillesboci et Ernesius de Burone castellum Dunelmense in manus regis, et dissaisiverunt episcopum de ecclesia et de castello, et de omni terra sua xviii. Kal. Decembr.' (p. 192). The bishop's restoration, accordingly, should be dated 14 November 1091. If it cause surprise that William Rufus should have undertaken a campaign in the northern country so late in the season, it may be noted that previously he had had his hands full with an expedition against the Welsh,<sup>16</sup> and that Florence of Worcester in describing the campaign makes the significant statement, '. . . multique de equestri exercitus eius fame et frigore perierunt'.<sup>17</sup>

It remains to raise a question as to the authorship of the *Historia Regum*. As is well known, the evidence on which both it and the *Historia Dunelmensis Ecclesiae* are attributed to

annos, quibus ibi moratus est, habuit.' The charters also bear evidence of the honoured position which he enjoyed in Normandy during his exile. In 1089 he appears among the witnesses to two of Duke Robert's charters (Davis, *Regesta Regum Anglo-Normannorum*, nos. 308 and 310), and he also attests with the duke a charter by Hugh Paine [1089-91] (Bibl. Nat., MS. Lat. 17135, f. 24).

<sup>14</sup> *Reign of William Rufus*, i. 300.

<sup>15</sup> *Supra*, p. 385.

<sup>16</sup> William of Malmesbury, *Gesta Regum*, ii. 365.

<sup>17</sup> ii. 28. It is also clear from Florence that the king did not arrive in Durham until after the destruction of the English fleet, which took place a few days before Michaelmas; cf. *Anglo-Saxon Chronicle*, a. 1091. A reference to these events in the *miracula* of St. Cuthbert (Simeon of Durham, *Opera*, ii. 340) makes mention of the summer heat (*tempus aestatis fervidum*), but this evidently is to be connected with Malcolm's raid of the previous summer and not with the later expedition of William Rufus against him.

Simeon of Durham is not contemporary and not conclusive,<sup>18</sup> though a better case can be made out for the latter than for the former. Without discussing this evidence anew, and without entering at this time upon the more extended inquiry as to whether it is credible that two works of such different character and of such unequal merit can be by a single author, it is still pertinent here to remark their striking difference in point of view with regard to the controversy between William Rufus and the bishop of Durham. The *Historia Dunelmensis Ecclesiae* speaks of the quarrel and of the bishop's expulsion and exile without any reserve, and, moreover, it contains remarkably full information regarding his fortunes while in exile.<sup>19</sup> In all this it is freely reproduced in the additions to the *Durham libellus* (pp. 170 f., 194 f.). And they in turn are used by the author of the *Historia Regum*.<sup>20</sup> Yet with these additions and the original *libellus* and Florence of Worcester all before him, he suppresses every reference to the alleged treason of Bishop William, persistently declines to use such words as expulsion and exile in connexion with him, and steadily ignores the quarrel. For him the bishop 'went out'<sup>21</sup> of England, although he unconsciously slips into an inconsistency in a later passage when he notes that the bishop was 'restored' to the see which he had 'left'.<sup>22</sup> If the *Historia Dunelmensis Ecclesiae* and the *Historia Regum* are by one and the same author, then assuredly he had a bad memory for what he had himself previously written, and his point of view had curiously shifted during the intervening years.

C. W. DAVID.

*Bishop Roger of Worcester and the Church of Keynsham,  
with a List of Vestments and Books possibly belonging to Worcester.*

THE following rescript of Pope Alexander III is inserted by a nearly contemporary hand on the first fly-leaf of the Tanner MS. 3 in the Bodleian Library (no. 9823), a copy of the Dialogues of St. Gregory, written, according to the printed Catalogue, in the eleventh century. Mr. E. W. B. Nicholson called it ninth or tenth century; I should venture to ascribe it to the very end of the tenth century.

Alexander episcopus servus servorum dei. Uenerabili fratri Rogero Wigorniensis episcopo Salutem et apostolicam benedictionem. Etsi a sacris canonibus alienum uel illicitum uideatur quod aliquis episcopus in

<sup>18</sup> For the evidence see Arnold's introductions, i, pp. xv-xxiii, and ii, pp. x-xi, xx-xxi.

<sup>19</sup> Simeon of Durham, i. 128.

<sup>21</sup> *Ibid.*, p. 217.

<sup>20</sup> *Ibid.*, ii. 216-17.

<sup>22</sup> *Ibid.*, p. 218.

alterius diocesis ecclesiis quemquam instituere debeat uel ipsas quomodolibet ordinare, *intellecta* tamen petitione tua cui in omnibus quantum cum deo et iustitia possumus. animo uolumus libenti deferre. quod tu scilicet in ecclesia de Chainsham que in patrimonio tuo consistit. et quam ad manus tuas iam diutius habuisti. pro parentum et aliorum progenitorum tuorum et specialiter Roberti nepotis tui salute. religionem ordinare disponis. postulationi tue duximus annuendum. Licet enim ecclesia iam dicta in episcopatu Bathoniensi sit posita. quoniam sedes illa in presenti uacare dinoscitur. nos eam quam super uniuersas dei ecclesias ex commisso nobis officio curam et sollicitudinem gerimus attendentes. prescriptam ecclesiam de canonicis regularibus ordinandi. et eis secundum quod tibi dominus administrauerit disponendi deuotioni tue saluo tamen pretaxate Bathoniensis ecclesie iure pontificali liberam auctoritate apostolica concedimus facultatem ita. quidem quod nullus qui in sede Wigorniensis tibi succedat. sibi in prenominata ecclesia de chainsham occasione ista possit uel debeat aliquid uendicare. uel quod tu ipse in ea ius pontificale requiras. Datum Laterani. xvij kalendas aprilis.

The abbey of the Augustinian (Victorine) canons at Keynsham (Cheinesham, Cainsham) in Somerset, if not previously in existence as a small religious house, was founded by William, earl of Gloucester, and his brother Roger, bishop of Worcester, in the year 1166, when Robert, the only son of the former, expressed on his deathbed a wish that the abbey should be founded in the family manor. We have no record of any abbot before 1175, and, with the exception of the document printed above, there is no earlier witness to its foundation than the confirmation of the original charter by the hereditary patron, Gilbert de Clare, fifth earl of Gloucester, the grandson of the founder William; this was subsequently confirmed by an *inspeximus* of Edward II in 1318.<sup>1</sup>

The date of the papal letter, which is not calendared in Jaffé's *Regesta*, must be 16 March 1167, the only year during the vacancy in the see of Bath, 31 August 1166–23 June 1174, in which Alexander III was in Rome in March.

There is another historical interest attaching to the manuscript; on folio 189v, the last leaf of the original manuscript, which had been left blank, is a list of manuscripts, and on folio 190 a list of the vestments of some religious house, both inserted by the same hand of probably the second half or even the end of the eleventh century.

o. 189v.

Daniel propheta. Orosius. Sedulius. Dialogus. Glosarius. Martianus. Persius. Prosper. Terrentium. Sedulius. Sychomagia. Boetius.

<sup>1</sup> Dugdale, *Monasticon*, vi. 452 f.; *Cal. of Patent Rolls, 1317–1321*, p. 68. The charter is wrongly attributed to the ninth earl in the *Victoria History of Somerset*, vol. ii, p. 129.

Lucanus. Commentum Remigii, super Sedulium. Isidorus de natura rerum. Arator. Glosarius. Priscianus maior. Tractatus<sup>2</sup> grammaticæ artis. Commentum super Iuuenalem. Bucholica. et Georgica uirgillii. Persius. Hystoria anglorum. Uita Kyeppani. Liber Pronosticorum. iuliani, XL. omelia. Arator. Psalterium hieronimi. Commentum Boetii super categorias. Liber luciferi. Epigrammata prosperi. Beda de temporibus. Liber proemiorum ueteris et noui, Liber dialogorum. Prosper. Seruius. de uoce et littera. Apollonius. Ars sedulii. Boetius super perhiepmenias. Ordo romanus. Liber albini. Psalterium. Historia anglorum. Glosarius per alfabetum. Textus euangeliorum. Expositio psalterii. Kategorie apistotili. Aeclesiastica istoria. Liber soliloquiorum. Uita. s. Willfpidi episcopi. Haimo. Textum. 1. Omelia. 1. Liber magnus de grammatica arte. Troparium. 1. hymnarium. 1.

fo. 190.

Uestimenta sacerdotalia. Albe. v. superhumeralia. iii. viii. casule. Kappa. 1. Pallia. v.<sup>3</sup> Scpinia. iii. Candelabpe. ii. Missale. 1. Epistolarem. 1. Ad te leuauit. et Aspiciens.

It is not easy to say to what house these books, &c., belonged; before arriving at a probable conclusion it is necessary to consider other features in the manuscript. The script of the *corpus libri* is the developed Caroline of the school of Tours or north-west France, but this was imitated so successfully at Winchester and elsewhere in the south of England that it is impossible to say with certainty on which side of the Channel the manuscript was written. Moreover, the question is complicated by the fact that the verso of the leaf which contains the papal document is occupied by a painting in a style akin to that of Winchester, but by an inferior artist, probably of the latter half of the twelfth-century; the leaf in question is of thicker vellum than that of the rest of the manuscript, and did not form part of the original volume.

The painting represents St. Gregory seated and holding a book in his hand and an ecclesiastic, probably a monk, at his feet, evidently the Peter of the Dialogues. The book bears the inscription, 'Gre/gor/riu/s pa/pa/ro/me', and in the right margin of the page are the words in the same script, 'Sene/ius [or Senen/ius or Seue/rus] presbyter'. The letters of the latter name as they stand would appear to be *Seneius* or *Senerus*, neither of which is a known Latin name; there is, however, a slight trace of part of an additional letter after the second *e*, possibly the top of an *r*; this would represent *Senerius*, a bishop of Avranches, who was contemporary with St. Gregory. Mr. Nicholson suggested *Seuerus*, and it is true that the scribe, who wrote in the inscription in the book *roue* for *rome*, could easily have made his *u* like an *n*. It seems difficult to make these inscriptions of the same date as the picture; the form of the *g* and *s* would seem to be of the fourteenth century, to which date

<sup>2</sup> MS. *Tractus*.

<sup>3</sup> MS. IIII.

Mr. Nicholson ascribed the two inscriptions. On the other hand, such an open book seldom occurs without a contemporary inscription, and the shape of the two *a*'s in *papa* can be paralleled by an *a* of a charter of 1180.

Should the inscriptions be of the second half of the twelfth century, the question arises whether the Severus or Senerius represents one of the two early bishops of Avranches who bore those names. The later one died before 593, when the Dialogues were written. According to *Gallia Christiana*, xi. 471, he was a renowned miracle worker, and it is quite possible that his name was inserted in Normandy or at Rouen, whither his body had been translated, as the local representative of the miracle makers described in the book. It might also be suggested that the name Severus represents a priest of that name who is mentioned in the eleventh chapter of the first book, though why he should be thus singled out we have no means of knowing, and this difficulty will remain should we decide for the later date of the inscriptions. At present the name does not lead to any definite conclusion.

As to the charter on the *recto* of this leaf, who would be most likely to have inserted it at the beginning of one of their books? We know that it was a very common practice of the Worcester monks to prefix copies of such documents to their manuscripts, but as the one before us does not seem in any way to benefit them, we cannot see why they should have inserted it, and the same argument militates against its having been written at Keynsham. Roger, bishop of Worcester, on the contrary, would naturally have desired to keep a permanent record of the rights over Keynsham granted to him as donor, though they were not to descend to his successors in the see. For this purpose he may have chosen a manuscript of his own or one from the Worcester library. In the former case, he probably had books which his father had acquired in some of the numerous possessions granted him in Normandy.

But the list of manuscripts was drawn up at least fifty years before the episcopate of Roger and the foundation of Keynsham,<sup>4</sup> and was written in England or at least by an English scribe, for the Anglo-Saxon *p* and *ƿ* frequently appear in it, not only in the name of the English saints, Kyeran and Wilfrid, but in other words, and the inclusion of two copies of a History of the English points to the same origin. It is therefore possible, but not certain, that we have here a list of the books kept at the Worcester priory in the eleventh century. Nothing like a complete catalogue of its manuscripts is extant. None of those in our list appears in the very fragmentary catalogues of Worcester manuscripts given by Leland, *Collectanea*, iii. 160, or in the MSS. Bodley 633 and Auct. F. 5. 16, cited by

<sup>4</sup> John Leland, *Collectanea*, iii. 68, notes four manuscripts of Keynsham, none of which figure in our list.

Mr. C. H. Turner in *Early Worcester MSS.*, pp. lxiv, lxv, or among the manuscripts mentioned by him as coming from Worcester; the list in the British Museum MS. Reg. 15. A. xxxii contains a Martianus Capella, and the present chapter library has Q. 28, a Rufinus, *Historia Ecclesiastica*, of the tenth century. At any rate it is well that our list should be recorded for comparison with any Worcester catalogue which may hereafter be discovered.

The list may be thus divided :

I. *Classical works.*

Apollonius.  
 Aristotle (Categories).  
 Boetius (?).  
 „ super *Categorias*.  
 „ on the *περὶ ἑρμηνείας* of Aristotle.  
 Juvenal, commentary on.  
 Lucanus.  
 Martianus Capella.  
 Persius (2).  
 Priscian 'maior' (i. e. Bks. 1-16).  
 Servius, *de voce et littera*.  
 Terence.  
 Virgil, *Bucolics* and *Georgics*.  
 Works on Grammar (2).  
 Glossaries (3).

II. *Christian works.*

Albinus (Alcuin).  
 Arator (2).  
 Augustine, *Soliloquies*.  
 Bede, *de temporibus*.  
 Gregory, *dialogues* (2).  
 Haymo.  
 Ecclesiastical History.  
 History of the English (2)  
 Julian (*Prognostics*).  
 Lucifer.  
 Orosius.  
 Prosper (2).  
 „ *Epigrammata*.  
 Isidore, *de natura rerum*.  
 „ *Proemia Veteris et Novi [Testamenti]*.  
 Prudentius, *Sychomagia*, i. e. *ψυχομαχία*.  
 Psalter, Exposition of.  
 Remigius of Auxerre on Sedulius.  
 Sedulius (2).  
 „ *Ars*.  
 Life of St. Kyeran.  
 „ St. Wilfrid.

III. *Bibles and Service Books.*

Missal.  
 Epistle Book.  
 Gospel Book.  
 Antiphoner.  
 Gradual.  
 Hymnal.  
 Troper.  
 Psalter (2).  
 Homilies (2).  
 Ordo Romanus.  
 Book of Daniel.

The two books which call for special notice are :

1. *Lucifer of Sardinia*. The only extant manuscript apparently older than the one on our list is the unique Vatican MS. Reg. 133 of c. A. D. 900 (from the Queen of Sweden's library but not from Petau); the next oldest is at Paris, Bibl. Nat., Lat. 12304, of the eleventh century.

2. *Life of St. Kyeran*, i.e. St. Ciaran of Saighir, an alleged pre-Patrician saint. His cultus, outside Ireland, was restricted to Wales, Hereford, Devon, and Cornwall, and we have no existing life in Latin or Irish as old as the eleventh century.

On the whole it may be said that the number of duplicates and the scrappy list of authors would suggest the library of an individual collector rather than a monastic library.

The list of vestments too would seem to befit a private chapel rather than a monastic church; it is the minimum apparatus for two priests serving one altar, with one missal, one epistle and gospel book, &c., two candlesticks, five frontals, *pallia*; one cope, three amices *superhumeralia*, five albs, for server as well as priest, eight chasubles (for two priests), one cope and three chests, *scrinia*. Hence one might infer that both books and vestments belonged to an individual bishop or priest.

The manuscript, however, was certainly used later on in a religious house; in one place its text is divided for reading at mattins into eight lessons, and throughout the volume the beginning and end of the passages to be read in the refectory are noted in a way that has not hitherto been noticed; their beginning is marked with a *K* (*Kaput* or *Kapitulum*) in the margin, and the end of the lessons, when it does not coincide with the end of a chapter or the words of Gregory, is similarly marked by *HC*, written as one letter, representing *hic finis* or *usque huc*.

It was also carefully catalogued, for a fourteenth-century hand on fo. 1<sup>v</sup> wrote

: g . et est liber dialogorum gregorii, p[ap]e 2<sup>o</sup> fo[lio] In monasterio, etc.

The same hand inserted its value: 'pretium xiii solidos viii denarios', which had depreciated at the end of the fifteenth century, fo. 190, into 'vis. viiid.'. H. M. BANNISTER.

### Notes on Walter Map's 'De Nugis Curialium'

DR. M. R. JAMES'S edition of the *De Nugis Curialium*, which has already received merited praise in this Review (vol. xxx, p. 529), is certainly a wonderful improvement on the former edition by Thomas Wright. Some few difficulties, however, still remain unsolved. The following notes<sup>1</sup> for the most part either offer emendations on the text, or give reasons for dissenting from those proposed by Dr. James; two or three of them are concerned with difficulties of interpretation, to which the editor has called attention, but which he has not succeeded in satisfactorily clearing up. The references are to page and line of Dr. James's edition.

617-19. Here the editor transposes two clauses, and suggests that some further correction may be needed. I believe, however, that the reading of the manuscript, as given in the foot-note, is perfectly correct. With the addition of punctuation and the expansion of contractions, it is as follows: 'Hii . . . apum instar innocencia puniunt, uenter tamen euadit impune; insident floribus ut mellis aliquid eliciant.' (The reference is to the emissaries of the court, the justices, sheriffs, and their underlings.) In the Anglo-French pronunciation of Latin *puniunt* and *pungunt* were probably homophonous (*ng* = *ñ*; cf. Old French *paignent*), or at least sufficiently alike for the purpose of an intentional equivoque. The words *uenter euadit impune* allude to the vulgar notion that bees usually lose their stings in the wound, and die in consequence.

27<sup>15</sup>. (The origin of the Templars.) A certain Paganus, a pilgrim in Jerusalem, learning that the Christians who watered their horses at a tank outside the city were continually molested by the Saracens, organized means of defence, which for a time were successful. Eventually, however, the Saracens came in such overwhelming numbers that the tank had to be abandoned. The story (according to the manuscript reading) continues thus: 'Paganus autem, nec impiger nec uinci facilis, sollicite de Deo sibi que procurauit auxilium', and goes on to relate that Paganus took a large house in Jerusalem, and collected in it a band of pious warriors (his fellow-pilgrims to the Holy City), who with him devoted themselves to religious exercises and to the furnishing of assistance to their struggling brethren outside. It is obvious that there is some serious corruption in the sentence quoted above. The editor proposes to read *piger* for *impiger*, but it seems better to omit the first *nec*, which

<sup>1</sup> It is right to say that Dr. James, to whom I communicated most of these suggestions privately, not only gave them a cordial welcome, but asked me to publish them in this Review, which I had not previously thought of doing.

a scribe might naturally insert, because this conjunction usually occurs repeated. Further, I regard *de Deo sibi que* as a corruption of *deditoribus*. This will at first sight appear audacious. But we must remember that the authors of the twelfth century pretty certainly did not write their 'copy' in the elegant book-hand with which some of us are familiar; and that a copyist who was faced with an illegible scrawl always felt bound to extract from it real Latin words, even though the words might fail to make any connected sense. A scribe who had before him the letters *ribz* (which may have been separated so as to look like an entire word), and mistook the *r* for an *s*, might, if he were an enterprising person, very naturally be led to conjecture *sibi qz*. That the scribe should have interpreted the unmeaning *dito* into *Deo* is certainly not surprising. I translate the sentence freely as follows: 'But Paganus, being a man of energy, and not disposed easily to accept defeat, zealously set to work to devise help for those who had surrendered the tank.' It is true that the agent-noun *deditor* is not found either in Lewis and Short or in Du Cange; but I do not think that any one who is familiar with twelfth-century Latin will consider this a very grave objection.

28<sup>7</sup>. A Saracen king releases a Christian knight whom he has taken prisoner, on the condition that he shall either cause a certain Saracen prisoner to be released in exchange, or, if he fails to effect this, shall return to captivity. 'Puerum ei designavit ex nomine quem Christiani uinctum habebant paganum, pro quo se dimissurum eum spondebat, Dominumque suum petebat obsidem pro reditu.' *Dominum* (with initial capital) can hardly be right; perhaps *dominum* means the Moslem to whom the knight had been assigned as a slave.

40<sup>20</sup>. Map accuses the monks of showing flattering courtesies to knights in order to despoil them of their possessions. 'Hos alliciunt, et ad camineas suas a strepitu seorsum ab hospitibus caritatis, id est publicibus longe, deliciis affluenter exhibent.' For *publicibus* the editor suggests *publicis*. The true reading is certainly *pullicibus* = *pulicibus*.

44<sup>9</sup>. (The Cistercians call themselves 'the sons of God'.) 'Si filii Dei sunt, sunt et filii.' Perhaps we should read *sunt et alii*, 'so also are others'.

45<sup>9</sup>. The text as printed by Dr. James is as follows: '... euertunt altaria Dei, serere non abhorrent et ad uiam vomeris omnia complanare.' The foot-note states that for *serere* the manuscript has *cere*, and suggests *Cererem* as a possible correction. An infinitive is certainly needed, but *serere* is inappropriate. Read either *deicere* or *Dei deicere*; if the latter be correct, the three letters have been omitted by haplography.

45<sup>18</sup>. The monks are far more merciless than ordinary robbers: 'Si seuisse ignem immiserit predo, ferrum extat et materia (?).' The query seems to mean that *materia* is not clearly legible in the manuscript. It cannot well be right, as something incombustible must be meant. Read *maceria*.

46<sup>19</sup>. Speaking of the 'austeritas' of the monks (by which he means their harshness to others), Map says: '... que cum in ipsa omnia sint reperta suppliciorum genera, plures habet iniurias quam ulciones iusticia, plures offensas quam illa fulmina, plura signa quam illa sagittas.' Thinking that *signa* seemed pointless, I had doubtfully proposed an emendation.

Mr. C. C. J. Webb, however, referred me to Lam. iii. 12 'posuit me quasi signum ad sagittam'; and Dr. James, to whom I submitted my suggestion, pointed out that in 60<sup>25</sup> Map says, 'Consedi signum ad sagittam'—a clear allusion to the passage of the Vulgate. It is therefore evident that *signa* is correct. The sense ('hat monastic cruelty finds more human targets to shoot at than justice has arrows in its quiver) is poor enough; but here, as often, Map was more solicitous to display his learning or exercise his knack of allusion than to find fit expression for his meaning.

50<sup>18</sup>. 'Et quod eiusdem loci fratres Hebrei<sup>1</sup> in ponutino (MS. ĩpōutino) proximum sibi agrum una nocte manu magna et bigis multis letamine consperserunt.' For *ĩpōutino* the editor doubtfully suggests 'in predio (vel simile quid) uicino'. This is impossible. I think Map probably wrote *repentino*, and began to correct it into *improviso*.

51<sup>11</sup>. The Cistercians are accused of having murdered an 'Egyptian' for stealing their apples 'in virgulto Wlanstune'. The editor says he has been unable to identify this place. *Wlauestune* would be a quite normal twelfth-century spelling for the name of any of the places now called Wollaston or Woolaston. The early forms show that the name was originally \**Wulflāfestūn*. The only one of the places so named which I can find to have been a Cistercian possession is Woolaston in Gloucestershire; it belonged to Tintern Abbey, and is called *Wlaveston* in a charter of the thirteenth century (Dugdale, v. 267). The Domesday form *Odela-vestone* is rather puzzling, as \**Wudelāf* seems unlikely as a personal name; perhaps it was an erroneous expansion of a colloquial contracted form.

60<sup>17</sup>. The printed text reads: 'In singulis diuine pagine apicibus . . . tot sapientie accumulatur opes, ut de pleno possit haurire cui(cun)que Deus donauerit cifo.' For *cifo* the manuscript has *in quo*, which is certainly correct. Mr. Webb refers me to John iv. 11 'Domine, neque *in quo* haurias habes, et . . .'

69<sup>13</sup>. 'Hugo † vi † a Cenomanno natus et Acrensis episcopus.' I think *v<sup>i</sup>* means simply *vir*. This abbreviation is not familiar to me, but it is conceivable that an earlier scribe, having to write *vir* at the end of a line, might have preferred to use an abnormal contraction rather than encroach on his margin.

73<sup>13</sup>. 'Deheubard, id est Noruualle.' At first sight this looks like a blunder, as Deheubarth (literally 'south part') has commonly been regarded as equivalent to South Wales. But Rhodri Mawr, king of Gwynedd (North Wales), is said to have ruled also Deheubarth (in a more restricted application of the name), while Brecheniauc and some other southern kingdoms remained independent. (See Rhys and Jones, *The Welsh People*, ed. 6, 1913, p. 146.) It seems therefore that Map's statement may have been in substance though not verbally correct.

74<sup>1</sup>. ' . . . quod clara die nemo possit inde predam *elicere*.' The verb seems curiously ill-chosen. Perhaps we should read *elicere*. On the preceding page *educere* and *abducere* are used in the same sense and context. No doubt *educere* would be a better word here than *elicere*; but Map was very fond of varying his expressions.

<sup>1</sup> i.e. Cistercians, who, Map says, regarded themselves as the true Israel, and all the rest of mankind as Egyptians whom it was lawful to spoil.

74<sup>19</sup>, 20. The kingdom of Brecheniauc is invaded, but no one dares to inform the king, because it was his habit to throw whatever he had in his hand at any bearer of evil tidings. At last a young man is found who ventures into the king's presence, and says: 'Vestra terre reynos, id est Brecheniauc, non pugnent amodo quasi animalia desunt.' I fear the corruption here is incurable. I very doubtfully suggest that for *animalia desunt* we should read *nonnulla desunt*—a scribe's note indicating that the end of the speech was missing owing to the illegibility of the exemplar; that *reynos* may be a corruption of some nominative plural meaning 'the men of Reynuc' (see the editor's note); and that *Vestra terre* should be *Vestro terrore*. The sense of the original passage would then be that the king's subjects are prevented from taking arms in defence of the kingdom by dread of his anger. Another suggestion that has occurred to me is to read *Vestrates pro regno*.

87<sup>18</sup>. Map has been deploring the abject condition of the once powerful nation of the Greeks, but will not be thought to be insensible to its real glories. 'Non inuideo titulos origini sanctissime quam Dominus a cunis usque ad diem obitus signis et miraculis est prosecutus.' For *origini* read *uirgini*, the allusion being clearly to St. Katharine. I find that I have been anticipated in this explanation by Mr. Webb (*Classical Review*, xxix. 122), who adds the decisive quotation from the office of St. Katharine in the Sarum missal: 'cuius ortu decorata gloriatur Graecia.'

107<sup>8</sup>. A queen, lamenting that the knight with whom she is in love will not yield to her blandishments, exclaims: 'O quam . . . durus ille, de mea qui me tociens repulit!' It is clear that *de mea* makes no sense. Read certainly *durus ille Demea*. Map remembered the 'durus Demea' of Terence's *Adelphi*, and must needs drag in the allusion here, oblivious or regardless of its grotesque inappropriateness to the situation. Possibly 'durus Demea' had become a proverbial phrase. A good illustrative parallel may be found in the story of the Baboo journalist who referred to the aged Earl Roberts as 'that venerable Bede'.

109<sup>5</sup>. A queen has sent one of her maidens on a certain errand; when she does not return, the queen calls another of her maids, and after some conversation asks: 'Causam nostram et cur sit emissa nosti?' The editor says, 'I am unable to remedy the corruption'. The sentence seems to me quite intelligible as it stands, and I doubt whether any correction is needed. If, however, the tautology be deemed a fatal objection, the likeliest supposition will be that a former scribe began to write *nost* too soon, and on discovering his mistake stopped short, but failed to delete *nost*, which his successor expanded into *nostram et*.

115<sup>16</sup>. 'Aduocetur Hercules et in claua uisit debita sue uirtuti monstra.' For *uisit* the editor suggests *uincat*. The proper correction is *uisitet* (in the Biblical sense); *in claua* is an imitation of the Hebraism in Ps. lxxxviii. 33, 'Visitabo in virga iniquitates eorum'.

117<sup>31</sup>. *Saluatum*. The editor asks, 'Does this mean the space of ground reserved for the combat—the lists?' The context does, no doubt, require some such meaning, but I do not think that it can have been expressed by *saluatum*. I conjecture *\*sabulatum* or *sabuletum*, in the sense of 'arena'. The latter is found in Pliny (with the general sense 'sandy

ground'), and its regular phonetic descendant, *sabloi*, *sablei*, exists in Old French and Provençal. I do not find any Old French \**sablé* corresponding to \**sabulatum* (which as an emendation would be the preferable form), but Godefroy gives a crowd of derivatives of *sable*, most of which occur in his quotations with the specific sense of 'arena' or 'exercising-ground'.

141<sup>9</sup>. Banished ('relegatus') from the court, Map says: 'Quiete noua percipio quam misere fuerim ibi religatus. Quiete dico recte quidem, si quies est certis iudiciis agnoscere tenebrarum absolucionem, et, permittente Domino, qui foras eum ad uincula misit, regnum ipsius omnibus dominari.' Insert *principis* after *tenebrarum*.

158<sup>14</sup>. The writings of living men are nowadays always despised; Map therefore resolves that his book shall not be published until after his death. 'Volens igitur huic insulse prouideri paginule, ne mittatur in cenum a fago, latere mecum eam iubebo.' It is obvious that *fago* is corrupt. Mr. Webb has pointed out to me that the true reading is *sago*, the allusion being to Martial's line (i. 3. 8) addressed to his book: 'Ibis ab excusso missus in astra sago.' A quotation from Martial occurs on the next page.

165<sup>25</sup>. For *fungens yconias* read *pingens ciconias* (cf. 9<sup>8</sup>, where the reference to Persius i. 58 is duly given), and delete *iconia* in the 'Index of Noteworthy Words'. It is possible, however, that *fungens* may be an intentional or unintentional substitution due to Map himself.

167<sup>18</sup>. 'Nullum ei bonum impunitum, nullum malum irremuneratum.' These words should have been printed in italics, as they are a perversion of the following passage, which is found in Lotharius (afterwards Pope Innocent III), *De Contemptu Mundi*, iii. 15 'Ipse est iudex iustus . . . qui nullum malum praeterit impunitum, nullum bonum irremuneratum relinquit.' Now the *De Contemptu Mundi* is said to have been written not earlier than 1191. It would seem, therefore, that unless (as is quite possible) Lotharius was quoting some earlier writer, or using a proverbial maxim, the date of 1192-3 given by Dr. James for the completion of the *De Nugis Curialium* needs revision.

169<sup>16</sup>. 'Excitatus est . . . Dominus . . . uisitaturque superbiam eius infraccione cruris.' I think we must read *in fraccione*: see the note on 115<sup>16</sup> above, and compare 227<sup>4</sup> 'laici . . . clericorum plurimos *in pugnis et fustibus* dure uisitauerunt'.

187<sup>21</sup>. Map says that the courtiers, when they meet with a man eminent for some particular virtue, always attribute to him the vice that most nearly resembles it. 'Simplicem fatuum iudicant, pacificum desidem, tacitum nequam, bene loquentem mimum, benignum adulatorem, nichilum sollicitum cupidum.' I think *nichilum* cannot be right. Perhaps we should read *multum*, though a genitive plural, if one could be found suitable in form and meaning, would be more satisfactory. *Negotiorum* might be possible so far as the sense is concerned, but on the ground of form seems unlikely.

204<sup>10</sup>. 'Quod si Hannibalem, uel Menestratem, uel aliquod priscae suauitatis nomen inspexeris, errigis animum,' &c. The point of the passage is that the stately-sounding names of antiquity excite the interest of readers, and secure their eager attention for stories which, if told of

a mere 'Henry' or 'Walter', would be passed over with indifference. Menestrates is, of course, an impossible name, though Menestratus exists. Dr. James remarks that a Menecrates is mentioned in Livy xlv. 24 (and Florus); but, as he rightly says, this person 'is not a distinguished character', so that the reference can hardly be to this passage. Besides, there is no evidence that Map knew anything of either Livy or Florus. I may, however, point out that in Aelian, *Var. Hist.* xii. 51, there is a story about a certain Menecrates, which, if it ever found its way into Latin and had been read by Map, would assuredly have taken his fancy. Further, Mr. Webb has kindly pointed out to me that two distinguished sculptors named Menestratus and Menecrates are mentioned in the same passage of Pliny (*N. H.* xxxvi. 32, 33), and that in another passage (xi. 7) the same writer cites a certain Menecrates as the authority for a statement about *erithace*. There is sufficient evidence that Pliny was among the authors with whom Map was well acquainted, and we may reasonably suppose that his impossible 'Menestrates' arose from a confusion in his memory between the two names which he had found in that writer. There is also a possibility that the story told by Aelian, of the insane vanity of Menecrates and its punishment, may have been taken up into some collection of *exempla*, and that Map may have read it. It does not seem to be necessary that Map's 'Menestrates' should be a person of historical importance, like Hannibal, with whom he is coupled; it was enough if his name was well known.

205<sup>4</sup>. *Appollonides* (sic). Who is the king that Map chooses to designate by this pseudonym? Dr. James says 'Henry II, or some king of England or France contemporary with Map'. Others have suggested William the Lion, Philip Count of Flanders, and Richard I. Mr. Hinton, the author of an able Harvard dissertation on the *De Nugis Curialium*, printed in the Publications of the Modern Language Association of America, rejects all these attempts at identification, and says that Apollonides must be 'some Welsh chief'. It does not appear to have been observed that the patronymic admits of being interpreted specifically as equivalent to Phaethon. If this be the meaning, the appellation would be peculiarly applicable to 'Henricus rex iunior', the ambitious youth to whom his father entrusted the reins of government, with unfortunate results. What Map says of Apollonides, that he has seen this king, knows him, and *hates* him, but nevertheless feels bound to do justice to his great virtues, agrees exactly with what he says of 'the young Henry' on pp. 139-40. It is probable that Map intended the pseudonym to be transparent to some of his readers, and to be applauded for its witty felicity. There may be historical difficulties in the way of this identification of which I am not aware; but the positive arguments in its favour seem to me to have considerable force.

206<sup>21</sup>. 'Annis triginta tribus ante captam Ierusalem a Sarracenis captiuata est Anglia, et per iram Altissimi data est Normannis.' Dr. James says that *Sarracenis* is a slip of the pen for *Francis*. This may be right, for a little higher up we find *ante* undoubtedly miswritten for *post*, and such blunders are apt to occur in couples. But may not 'captam a Sarracenis' be simply bad Latin for 'taken from the Saracens'? There

seems to me no reason for believing Map incapable of such a solecism ; and it is noteworthy that in the preceding paragraph, when he has to express the meaning 'taken *by* the Saracens', he uses the ablative without a preposition.

207<sup>10</sup>. 'Edelredus, quem Anglici consilium vocauerunt, quia nullius erat negocii.' Dr. James's note is: 'I suppose "consilium" is here sharply opposed to "negocium": he was always deliberating and never acted.' I feel sure that Map wrote *nullum consilium*, corresponding to *nullius negocii* in the following clause. The reference is to the famous jingle 'Æpelrēd Unrād'. The word *unrād* is not an adjective, but a noun meaning 'lack of counsel, foolish or bad counsel', so that *nullum consilium* is really the most literal rendering that the Latin language admits of. The English did not, as is commonly supposed, nickname their feeble king 'Ethelred the Unready'. What they said was 'Æpelrēd (Noble-counsel) forsooth! He had been more fitly named Unrād (Un-counsel)!' The play on the name reminds one of the Homeric Δύσπαρις and Ἰπος ἄρισος.

209<sup>2</sup>. 'Generositatis est filia bonitas, cuius habere summam degeneres dat sapiencia.' This seems so inconsistent with the tenor of the context, that I cannot help suspecting that a scribe has (perhaps intentionally) substituted *dat* for some such word as *negat*. The syntax would be improved by reading *negat*, though I do not deny that the grammar of the existing text might be good enough for the twelfth century. I wish I had been able to find in the passage an allusion to anything in the sapiential books. The curious expression *summa bonitatis* perhaps comes from Pliny, *N. H.* xi. 14.

212.<sup>1</sup> 'Proverbium Anglicum de seruis est, *Haue hund to godsib, ant stent in bir oder hand*, quod est, Canem suscipe compatrem, et altera manu baculum.' I believe Middle-English scholars will agree that *stent* is a mistake for *steng* (which might, indeed, be spelt *stenc*).

214<sup>22</sup>. 'Qui cum . . . multas . . . esset assecutus opulencias, una tandem placuit regie corone villula Ministrewrda,' &c. The anacoluthon should probably be got rid of by reading *cui* for *qui*.

221<sup>3</sup>. Map says that Lodovicus, the son of Charles the Great, gained a victory over Gurmund and Isembard 'in Pontiuo'. This name, which means Ponthieu, is omitted in the 'Index of Proper Names'. Dr. James is mistaken in saying that 'the story of this battle is told in Geoffrey of Monmouth (xi. 8)'. Geoffrey (who absurdly transfers the story of Gurmund and Isembard to the sixth century, and makes Gurmund a king of the Africans!) does not mention the battle at all. His narrative of the doings of Gurmund and Isembard ends with the ravages they wrought in Britain; he does not even speak of their crossing the sea to invade France. Map's authority here was certainly not Geoffrey, but some writer better acquainted with chronology. The story (which seems to be fictitious, though it may have had some historical foundation) is told by Guido of Châlons,<sup>2</sup> who, however, refers it not, as Map does, to Lodovicus Pius, but to Lodovicus Balbus, a generation later.

<sup>2</sup> Quoted in the thirteenth-century *Chronicon* of Albericus, *Recueil des Historiens de France*, ix. 53 b.

For the benefit of those readers who are fortunate enough to possess the book, I add a few minor corrections, giving references only, without indication of the nature of the context. In 5<sup>30</sup> delete the first *non*. In 40<sup>18</sup> put a full stop after *eiectum*, and delete the comma in line 15. In 43<sup>29</sup> *utinam* (MS.  $\bar{v}t$ ), used elliptically, makes better sense than Dr. James's substituted *uidetur*. In 54<sup>17</sup> insert *ut* or *quasi* before *cum Maria delectentur*. In 156<sup>5</sup> the suppletion of *mundi* seems wrong: the construction is 'the eyes of a pure heart' (cf. Eph. i. 18 'oculos cordis vestri'). In 188<sup>27</sup> Dr. James inserts *post*; I should prefer to insert *ob*.

In conclusion, I wish to say that Mr. Hinton, to whose dissertation I have already referred, appears to me to have proved that the *De Nugis Curialium* consists of fragments, really written by Map, but collected and arranged after his death. He does not, however, point out that if his theory be correct, we must in fairness exonerate Map from the charge of having plagiarized the title of his book.

HENRY BRADLEY.

### A Thirteenth-Century Rhythmus

THE MS. E. 2. 33 in the Library of Trinity College, Dublin (no. 500 of the printed catalogue), is a small folio vellum book of 99 unnumbered and unsigned leaves, measuring 25.5 cm. by 16 cm. The contents are :

fo. 1a : in a modern hand, *Thomas Bolton his Book*.<sup>1</sup>

fo. 1b : in a hand of saec. xv, a few Latin notes, much effaced, followed by an English poem in ten lines, *Fareth wele wirchepe and goodnesse . . . So het my lady gracious and glorious*; a few notes on the numbers of churches, &c. in England; a Latin prophecy in seven lines, *Prophetia. Tolle capud milui*, &c., and a few scribbles.

fo. 2a-2b : in another hand of saec. xv, a series of obits.

fo. 3a-3b : in double columns, in another hand of saec. xv, a Latin poem in 172 lines without any title, *Sit deo gloria laus benedictio . . . Respondi breviter, uobis assentio*. For this well-known poem see Wattenbach (*Zeitschr. für deutsches Alterthum*, xv, 1872, p. 501), who cites copies at Venice, Paris, Munich, and Vienna, in addition to those enumerated in Wright's edition (*The Poems of Walter Mapes*, Camden Soc., 1841, pp. 77-85). To these I can add Geneva, français 171, fo. 125; see also P. Meyer (*Bull. de la Soc. des Anciens Textes français*, vi, 1880, p. 76), and Delisle (*Notices et Extraits*, xxxviii, pt. 2, 1906, p. 741). The manuscripts show considerable variation. Thus in the Dublin copy there are 172 lines; in that in the University Library, Cambridge<sup>2</sup> (*Catalogue*, iii, 1858, p. 282), there are 192; and in Wright's text, 212.

<sup>1</sup> Bolton's signature appears also on fo. 99a and 99b.

<sup>2</sup> Not mentioned by Wright.

fo. 3b-4a : in another hand, also of saec. xv and by no means easy to read, the rhythmical poem entitled *De Humana Miseria Tractatus*, printed below.

fo. 4b-6b : blank.

fo. 7a-99a : single columns with 33 lines to the page ; initials in red and blue ; in a late fourteenth-century hand, without any title ; a few marginal notes in contemporary or later hands ; an Anglo-Norman chronicle commencing with the words, *Ci poet homme sauer coment*, and ending *et pristrent totes les bestes et biens d'une chose et d'autre q'ils trouerent*. The first 562 lines are in verse<sup>3</sup> and have been published by Jubinal (*Nouveau Recueil de Contes, Dits, Fabliaux*, ii, 1842, pp. 354-71) from a Cottonian MS.<sup>4</sup> The whole work, which is a redaction of the *Brut* chronicle coming down to the sack of Haddington in 1333, has been studied by M. Paul Meyer (*Bull. de la Soc. des Anciens Textes français*, iv, 1878, pp. 116-24), who states that the Dublin manuscript is one of the best and is complete. To the copies enumerated by M. Meyer may be added one which in 1871 was in the collection of the Countess Cowper at Wrest Park, Bedfordshire (no. 33 of saec. xiv), and another in the College of Arms, London.<sup>5</sup>

fo. 99b : blank, except for the words *Thomas Bolton His Book*. Then follows a single leaf of paper containing legal matter in French in a hand of saec. xvi, *Avoure. Nota q'en avoure, &c.* The margins of fo. 60-99 have suffered from damp, which has also affected the text on the last six folios.

As far as I am aware the satirical poem *De Humana Miseria*, which I reproduce below, is unpublished, and I have not succeeded in discovering any other copy. The author's name does not appear, but it was clearly written by an Englishman and, as I infer from lines 97-148, in the reign of Henry III, at a period when Roman influence was making itself notoriously unpopular in England. In rhythm and substance it is an imitation of the celebrated *Apocalypsis Goliae*.<sup>6</sup> The rhythm was indeed a very popular one, and a number of the best poems in Wright's collection<sup>7</sup> are written in it.<sup>8</sup> Some reminiscences of the remarkable satire of Bernard de Morlas, *De Contemptu Mundi*, may also be traced.<sup>9</sup>

I have followed as closely as possible the orthography of the manuscript. Emendation is rarely necessary.

M. ESPOSITO.

<sup>3</sup> They occupy fo. 7a-10a. All the rest of the work, fo. 10a-99a, is in prose; thus Abbott's description of this work in the printed *Catalogue of MSS.* (p. 74) as 'Histoire d'Angleterre en Vers Français' is erroneous.

<sup>4</sup> Cf. Ward, *Catalogue of Romances*, i, 1883, p. 198.

<sup>5</sup> *Historical MSS. Commission, Second Report, Appendix*, 1871, p. 7.

<sup>6</sup> Published by Thomas Wright, *Poems of Walter Mapes*, pp. 1-20.

<sup>7</sup> *Ibid.*, pp. 106, 147, 167, 187, 191, 223, 236.

<sup>8</sup> For the matter compare also the poems *De Nummo*, published by Wright, *ibid.*, pp. 226, 355, and by Schmeller (*Carmina Burana*, 4th ed., 1904, p. 43).

<sup>9</sup> Cf. Wright's ed., *Anglo-Latin Satirical Poets*, ii, 1872, pp. 31, 35, 66.

fo. 3b

## DE HUMANA MISERIA TRACTATUS

Post tempus horridum cessante pluua,  
 Quo terra frigoris gaudet absentia  
 Vires recipiunt queque nascentia,\*  
 Producunt arbores flores et folia, 4  
 Quicquid consumpserat brume uoracitas  
 Totum restituit ueris amenitas,  
 Per prata redolet mira suauitas,  
 Virgulta uolucrum replet garulitas, 8  
 Dies se protrahunt, aura fit lenior,  
 Fugatis tenebris aer est serenior,  
 Fit solis radius lucendo clarior,  
 Et homo fragilis sensu capacior. 12  
 Hoc autem temporis noua mutacio  
 Cunta uirentia replet solatio,  
 Et mentes hominum torpentes otio  
 Mundat et occupat in dulci studio. 16  
 Predicti temporis me circa medium  
 Studentem temere afflixit tedium ;  
 Virgultum adii sperans remedium,  
 Ne sic quiescere me sinit studium, 20  
 Nam cum sub arbore sederem nimia  
 Herbe uiriditas, florum presentia,  
 Cantantes uolucres in uoce uaria,  
 Accendunt animum cordis ad studia. 24  
 Studendo mens mea totum inuenitur  
 Ad spiritalia, set sic deprimitur  
 Carnis illicebis quod fere luditur ;  
 Set carnem arguens mens sic alloquitur : 28  
 ' O caro sordida, subiecta uitio,  
 Quam semper occupat turpis affectio,  
 fo. 4a  
 Tua peruersitas et delectatio  
 Me crebro reuocant de boni studio.' 32  
 Mens tandem superans carnis imperia  
 Sistit propositum in hac materia :  
 Quam sit conditio siue miseria  
 Humani generis uilis et uaria. 36  
 Plus quam uilissimus reuera dicitur  
 Homo, de spermate uili concipitur,  
 Sanguine menstruo conceptus alitur ;  
 De quo, set pudor est, dicam quid scribitur. 40  
 Contactu menstruo flores non procreant,  
 Nec herbe semina fruges non germinant ;  
 Amittunt arbores fructus nec pululant ;  
 Ruunt in rabiem canes si comedant. 44

10 *aer*. One syllable. 18 *afflixit*. The manuscript has *affixi*. 26 *spiritalia*.  
 The manuscript has *spiritualia*. 44 I have searched in vain for this tradition  
 in a number of ancient and medieval medical writers.

Hoc in articulo	puer qui gingnitur	
Aut lepram contrahit,	aut secus nascitur	
Gibbosus, indecens,	deformis, editur	
Contractus corpore,	uel cito moritur.	48
Ecce materiam	de qua conciperis !	
Cibo quam nobili	conceptus aleris !	
Ploras et eiulas	statim cum nasceris,	
Et mortis misere	uiam ingrederis	52
Die quo nasceris ;	quid mirabilis	
Non esse incipis	dolens et anxius ?	
Quanto plus uixeris	tanto deterius	
Viuis, et corruis	in uia deuius.	56
Post mortem miseram	cibus es uerminum.	
Si bene uiueris	non perdis premium,	
Si non, reperies	mirum supplicium	
Vrens et deuorans	non habens terminum.	60
Attentis oculis	homo considera	
Quot mundi uanitas,	quot caro misera	
Diuersa nutriunt	fetorum genera ;	
Te uilem reputes	mox inter cetera.	64
Producunt arbores	frondes et folia,	
Vinum et oleum	et multa dulcia,	
Homo pediculos,	lendes, et talia,	
Vrinam, uomitum,	sputum et stercora.	68
Homo uas stercorum,	massa putredinis,	
Vas in quo latitat	feruor libedinis,	
Fetor luxurie,	calix acedinis,	
Vas plenum sordibus	et fons turpedinis.	72
Caduci plasmatis	gens plus quam misera	
Nunc es nunc desinis	uelut effimera ;	
Quocumque fugeris	mors adest aspera.	
Cur te non corrigis	luendo scelera ?	76
Ad mentem reuoca	quod deus omnium	
Te fecit nobilem	dando dominium	
De rebus singulis ;	expelle uicium	
Et deum senties	tibi propitium.	80
Creaturarum [es]	homo dignissima,	
Si tecum uolueres	tua nouissima	
De corde surgeres	mente carissima	
Nec ultra faceres	peccata pessima.	84
Quid mundi gloria	uel superfluitas,	
Regum potentia	siue sublimitas,	
Quid turres diuitum	siue cupiditas,	
Quid rerum copia ?	nonne sunt uanitas ?	88
O gentis simplicis	mens male conscia	
Quid prodest homini	nummorum copia	
Cum pulset ostium	mors mordens fortia ?	

45 *puer*. The manuscript has *pn*.  
The manuscript has *uoue*.

81 *es*. Not in manuscript.

88 *nonne*.

Putasne redimes	uitam pecunia ?	92
Set admirabile	mirum est hodie,	
Reges et commites,	patres ecclesie,	
Ligati laqueis	sunt auaritie	
Et terras spoliant	causa pecunie.	96
Roma que capud est	orbis, ut dicitur,	
Mater cupidinis	palam efficitur,	
Nam numos sitiens	nunquam reficitur,	
Set cum plus biberit	sitim plus patitur.	100
Hec est sanguissuga	non dicens 'sufficit',	
Set crebro repetens	hoc uerbum proicit :	
'Affer pecuniam ;	cui dando deficit	
Lex uel iustitia	nil orbi proficit.'	104
In loco iudicis	est auaritia,	
Cuius sunt canones	fraus et fallacia.	
Set causas terminat	sola pecunia,	
Cuius sunt nuncii	munus et munia.	108
Est nummus utique	fidelis nuncius,	
Nam quamuis curie	sit iuris nescius,	
Nullus ad curiam	causatur melius,	
Nec qui negotia	facit facilius ;	112
Nummus est ianitor	et seruat ostia,	
Non habet aditum	lex uel iustitia,	
Inbullat cartulas,	dat priuilegia ;	
Nummus ad libitum	disponit omnia,	116
Scriptores strangulat,	dat pape gratiam,	
Et cardinalium	mulcet potentiam.	
Totius curie	domat familiam,	
De iure sepius	facit iniuriam.	120
Romani ciragram	habent in manibus	
Modum idropici	in uilioribus.	
Quos nescit phisica	sanare potibus	
Sanat pecunia	nummis legalibus.	124
Sedent ad curiam,	attollunt oculos	
Et circumspiciunt	terrarum circulos,	
Precinctis Anglie	rimantur angulos	
Quo nummis citius	adimplent loculos.	128
Emittis gemitus,	O felix Anglia,	
Olim predominans,	modo pediseca,	
Quam uexat turpiter	Romana curia	
Calcans sub pedibus	cum uerecundia.	132
Dic dic, gens Anglie,	dic quid est uilius,	
De Roma ueniens	uir quidam spurius,	
Fortasse rustici	uel furis filius,	
Suspendit nobiles	uiros quantocius,	136
Sedet et cathedrat	uir tanti generis,	
Quem si preueniens	non adoraueris,	
Cuius imperium	ni statim feceris,	

Prebe pecuniam	uel mox dampnaberis.	140
Abbatum, presulum,	hic inperterritus	
Donat ecclesias,	prebendas, redditus,	
Ribaldis pessimis,	qui iura spiritus	
Vendentes suffocant	et mittant penitus.	144
O si rex sapiens	esset in Anglia,	
Aut ut antiquitus	iudex militia,	
Nequaquam facerent	Romani talia ;	
Caudas retraherent	ut capta bestia.	148
	Explicit.	

141 *inperterritus*. The manuscript has *inperteritus*. 144 *mittant*. Du Cange gives an instance of *mittare* = *mittere*.

### The Date of Clarendon's First Marriage

THE date of the first marriage of Edward Hyde, afterwards earl of Clarendon, has been generally assigned to the year 1629. But there is no authority at all for this date ; the marriage actually took place about the end of 1631. Clarendon himself, after mentioning the death of his uncle, Sir Nicholas Hyde, which took place on 25 August 1631, describes his first marriage as follows :

The loss of so beneficial an encouragement and support in that profession [i.e. the law] did not at all discourage his nephew in his purpose ; rather added new resolution to him ; and to call home all straggling and wandering appetites, which naturally produce irresolution and inconstancy in the mind, with his father's consent and approbation he married a young lady very fair and beautiful, the daughter of sir George Ayliffe. . . . He enjoyed this comfort and composure of mind a very short time, for within less than six months after he was married, being upon the way from London towards his father's house, she fell sick at Reading, and being removed to a friend's house near that town, the small pox discovered themselves, and being with child<sup>1</sup> forced her to miscarry ; and she died within two days.<sup>2</sup>

Lister, in his biography of Clarendon,<sup>3</sup> says that this marriage was celebrated in 1629, and he has been followed by later writers.<sup>4</sup> It is easy to see how he arrived at this date. Clarendon states that his second marriage took place 'after

<sup>1</sup> *Sic* in the original ; in the printed *Life of Edward, Earl of Clarendon, written by Himself*, Oxford, 1857, i. 11, this phrase runs 'and (she being with child)'.

<sup>2</sup> Clarendon MS. 123, fo. 41 (Bodl. Libr.).

<sup>3</sup> *Life and Administration of Edward, first Earl of Clarendon*, 1838, i. 9.

<sup>4</sup> Thus C. H. Firth, in the *Dictionary of National Biography*, under Hyde, Edward ; G. E. C., *Complete Peerage*, ed. Vicary Gibbs, iii. 265 ; Sir H. Craik, *Life of Edward, Earl of Clarendon*, i. 16-18 (where the date of the second marriage is erroneously given as 1632).

a widowhood of near three years'.<sup>5</sup> Lister merely subtracted three years from 1632, the year he assigned to the second nuptials,<sup>6</sup> on the apparent authority of Clarendon himself, who, according to every printed edition of the *Life*, wrote, 'and so, being about the age of twenty four years, in the year of our Lord 1632, he married the daughter of sir Thomas Aylesbury'.<sup>7</sup> Reference to the original reveals the fact that Clarendon put no date at all, and the year 1632 must have been introduced into the text by the editor of the first edition, to fill up the blank left in his manuscript by Clarendon.<sup>8</sup> Lister had, therefore, no valid authority for the dates of either of the marriages, and he is wrong about both.

The date when Clarendon wedded Aylesbury's daughter is definitely fixed by the preservation of the marriage licence of 10 July 1634.<sup>9</sup> Deducting the 'widowhood of near three years' brings us to the latter part of 1631. We have seen that the earlier marriage took place after the death of Sir Nicholas Hyde in August 1631, and the time is further defined by the following letter of condolence to Hyde from his aunt, Lady Barbara Villiers, which is dated by its writer 4 July 1632, and endorsed by its recipient with the same date :

Most worthy Nephew,

It is you whose sorrow I am most sensible of that have lost so dear a wife, for which I am most heartily sorry, but I pray you remember who hath done it. It is the Lord that gave her to you, and I know you are so religious that you will submit all to him : and for my part I was so duly a witness of your affection to her that you shall ever command me if I may but hear thus much of you, that you will be patient, for which I do most heartily pray, and will ever remain

Your most assured loving aunt,

BARBARA VILLIERS.<sup>10</sup>

It is clear, therefore, that Clarendon's first wedding took place either at the end of 1631 or the beginning of 1632, probably in December or January.

<sup>5</sup> *Life*, i. 14.

<sup>6</sup> Vol. i. 11.

<sup>7</sup> *Life*, ed. 1857, p. 15. The passage is exactly the same in the first edition, 1759.

<sup>8</sup> Clarendon MS. 123, fo. 42. Since there is no mention, so far as I can discover, of Clarendon's marriages in biographies printed before 1759 (e. g. *Lives of all the Lord Chancellors. But more at large of Edward, Earl of Clarendon, and Bulstrode, Lord Whitelock*, 2 vols., 1708 ; or, *Collection of several Valuable Pieces of Edward, Earl of Clarendon*, 1727), I imagine the editor added twenty-four years to 1608, the year of Clarendon's birth according to the old style, and thus arrived at 1632.

<sup>9</sup> Chester, *Westminster Registers*, p. 167. Even if this conclusive evidence were lacking, the date of the second marriage could be approximately assigned to July 1634 by the letter printed by Lister, vol. iii. 3-4. The date is 1634, not 1632 : Clarendon MS. 129, fo. 12.

<sup>10</sup> Clarendon State Papers, no. 304 (Bodl. Libr.). The spelling has been modernized so as to correspond with the printed *Life* of Clarendon.

I append a letter from Laurence Hyde to his brother Henry, father of the future Lord Chancellor, which supplements the account Clarendon gives of his life in London.

I assure you you may have great joy of your son Ned, he studieth hard and is very orderly and frugal, and maketh as handsome a show of his exhibition (which is but forty pound per annum as I hear) as my sons in the same place made of their several fifty pounds per annum, and to save his purse I would fain have satisfied his desire to have carried him down to Sarum (in my coach) toward Purton, but in truth I could not.

Howsoever I was laboured to give 50*l.* per annum to my boys when I allowed them but 40*l.* per annum, and yielded to it, because I did not perceive it to be unreasonable; yet I will not press you to increase my forty for Ned's maintenance, but I leave it to yourself, although I think it reasonable, and you must, need notwithstanding, bestow on him a suit of satin for a revelling suit to accompany those<sup>11</sup> divers sober fine gentlemen that are students and yet revellers. The want whereof keepeth him off from revels. Consider of this for I will not advise you to do that which I would not do myself. This I do is merely of myself without any endeavours or intimation of my cousin Ned. And thus with my kind commendations to yourself and my sister and all my cousins I commit them all to God.

Your very loving brother,

LAUR. HYDE.<sup>12</sup>

Middle Temple, London.

17 November, 1629.

If, however, Clarendon practised rigid economy in early manhood, and cheerfully endured poverty during his fourteen years of exile, he lived to cultivate a love of ostentation which alienated many who might otherwise have befriended him when he was impeached in 1667.

G. DAVIES.

### *England and Austria in 1657*

THE Emperor Ferdinand III died on 2 April 1657; his eldest son, Ferdinand, king of the Romans, had predeceased him, dying on 9 July 1654. Hence the coming election to the headship of the Holy Roman Empire was not the foregone conclusion which it had been at the last vacancy, and the way seemed open to any ambitious prince who could secure a majority of the electors. The Austrian candidate was the Archduke Leopold, second son of Ferdinand III, and king of Hungary and Bohemia. Cardinal Mazarin hoped to utilize the opportunity 'to carry the empire into some other family', and through Lockhart, Cromwell's

<sup>11</sup> 'them' apparently in manuscript.

<sup>12</sup> Clarendon State Papers, no. 271. Whitelocke, *Memorials*, i. 53-62, describes revels in which Hyde took part in February 1634.

ambassador at Paris, endeavoured to obtain the Protector's support for the scheme. The interregnum lasted about fifteen months, and during that period the following paper was drawn up in order to show the reasons which should induce the English government to oppose the election of the Archduke Leopold. The paper is amongst the Malet MSS. in the British Museum, Add. MS. 32093, fo. 397, and may perhaps be derived from Bulstrode Whitelocke's collections, as some others of the Malet MSS. were. Probably the paper was addressed to Secretary Thurloe. But it is not signed, and no evidence as to its authorship is obtainable. In the catalogue it is described as 'Advice to the English Nation to use their endeavours to have a Protestant Prince elected to fill the vacancy of the Holy Roman Empire caused by the death of Ferdinand III'. The paper is of some interest because it expresses a view which many English puritans shared, and explains the reasons for their hostility to the house of Hapsburg, a feeling which continued to exist till it was replaced, at the close of the seventeenth century, by fear of the growth of France and hostility to the house of Bourbon.

Cromwell made some slight attempt to carry out the policy suggested, and Colonel Jephson, his envoy to Berlin, was instructed to request the elector of Brandenburg to oppose the Austrian candidate. But the elector declined the request, though he promised to prevent the future emperor from assisting Spain in the war with England. Cardinal Mazarin's efforts to prevent the election of Leopold were equally unsuccessful.<sup>1</sup>

C. H. FIRTH.

In the present juncture of Affaires in the Roman Empire, it were very much to be wished, since the English Nation, and their present Head, the Lord Protectour, have made so many solemn protestations how sincerely and tenderly they own the common cause of the Gospel, and minde the Deliverance of those that are molested in their Consciences and persecuted for the true Religion, with the suppression of all Popish Tyrannie and restoring of true Christian Libertie throughout all Christendom, that they would seriously take notice now of the present great occasion, to improve all those glorious designes, by endeavouring together with, or by meanes of others, that the Imperiall Crown may be set, if not altogether upon a Protestant Head, yet at least wise (for to divert the same from the Hous of Austria, and to cut of once their prescription to the succession) on such a Catholick Prince as may be least affected to the Popish Superstitions and Jesuiticall Maximes, and become in some sort engaged unto His Highness the Lord Protectour him self, upon that score, as having not hindred, but rether furthered and advanced his Election. We shall not need to introduce heere, the most considerable Heads among the Protestants, the King of Sweden, the Princes Electours

<sup>1</sup> See *The Last Years of the Protectorate*, 1909, ii. 247-54.

of Brandenburg and Heidelberg, otherwise then that there is no scruple at all to be made, but they will most earnestly and zealously lay hold on the present occasion, and employ their utmost for the maintenance of the Common Interest, if so be the two former of these, may [be] relieved a little by those, which are no less highly concerned in this affaire, so as to be able to lay by a while the Warre, wherein now they are engaged; and to bend all their mindes and meanes and endeavours wholly and soly to the scope aforesaid. In my minde England hath great cause to engage in this honourable Enterprize. For first, by the aforesaid solemne 1st. Protestations, and the good beginning of the reall performance thereof in Piemont and Swisserland, they stand in a manner actually engaged allready and ought now to improve it so much the more, because that which they did, was but of a particular concernment, whereas this concerns the generall, whereby not only more Countries and Nations, but in time the cause and interest of all true Professours of the Gospell, through Gods undoubted blessing, will be much advanced.

Secondly it is very considerable, that on this present Imperiall Election, 2nd. there depend much of their own quiet and securitie, not onely for the, known reason, that the Hous of Austria is a Branch of the Hous of Spain, and one of the principall pillers of Poperie, which evermore endeavoured to support the same, as with cruell persecution of the poor Protestants in their Hereditarie Dominions, so especially of later times, by those long and bloodie most destructive Warres in Germanie and their endless mischievous practices in all parts throughout Christendom: but also that the same Hous by this advantage of their Imperiall Authority, had the power and meanes in the year 1639, to entertain no lesse then fourescore thousand well-appointed armed men in the Empire, and the severall Circles thereof, besides the considerable Armies they employed at the same time abroad in Italie and Alsatia against France, and from time to time one Armie after another against Bohemia, Denmark, Sweden, and their Confederats. Having ben able so to manage their Game all along, that, notwithstanding all oppositions and advantages otherwise against them, after a Warre of xxx Yeares, the Protestants Cause got little or nothing at all, but they, besides the continuance of their uncontrolled Libertie of proceeding against the Protestants in their own Countries, as they pleased them selves, gained many Cities and Countries, nay whole Kingdomes to boot, in Hereditarie possession by it. And these are they, who in the first place have the power in their hands, to ruin and subdue all the Friends and Allies of the English Nation, one after another, whereby they shall not want meanes and conveniences in time to incommode and disturbe them neerer home still, as indeed in the yeare aforesaid, when they imagined they had gotten the Game absolutely into their owne hands: they showed it palpably enough therein, that by their Generalissimo, the Duke of Friedland they already arrogated unto them selves the Dominion of the Ocean, and were projecting and framing such a formidable Companie on the East Sea (whereof the contrivance is yet to be seen) that, had not God blown upon the Designe, and broken it, as he did, they would in all likelihood have made it soon appear, that the great and deep Trench surrounding England would hardly have secured

them long within it : And what I pray, may not this very Hous be able still to effect, having the free command of levyng what Forces and Armies they please, throughout all Germanie, chiefly in all the Imperiall Cities, without any let or hindrance, and a thousand wayes besides of raising monies, especialy if in the present Juncture, they should prevail with the United Provinces to engage them either openly or covertly on their side, upon the advantage of their jealousies and variances with England, Sweden and France ? Who can foresee the end of the Warre, wheiles the King of Spain by the Emperour's meanes, can have his supplies of men still out of Germanie, even as many as he pleaseth to list ; or, how can that Potentate want monies, that hath still men enough at command to multiplie his conquests ? Should England, after so long a Warre, whereby, and the still necessarie entertainment and employment of so great forces by Sea and by Land, there can not but be great waste of supplies in both kindes, be content to see their Enemies furnished still, and want no recruits for either ? To say nothing now, how much the Hous of Austria continuing in the Empire, may incommode and prejudice the English Nation, by forbidding or overcharging their commerce in the Empire, and many other wayes.

3rd. In the Third place, it may be instanced, that seeing the present constitution of the Empire, not onely stirres up France now, to assay by all meanes, how to [?] advance their interest by it, but the Stades Generall also come into consideration about it, because of their Entercourse and correspondence with the Rhinish Catholick Electours, and other Princes, having such an influence there, and being able thereby to retarde or advance Conclusions much. Is not England much concerned then in point of Reputation, to avoid sitting still alone, as an idle Spectatour, and rether to looke about, and trie all meanes, what they may doe likewise by their Friends in this Great Affaire, and to what scope they may finde Opportunitie to steer the businesse ; it having allwayes ben held an eminent point of Honour amongst all Potentates, to take notice and cognizance of all wightie Affaires of Christendom, and to offer and impart their best advice and aid for the Weal Universall, and thereby with all to discern, and consider the better their own and theirs enterwoven concernment, which lies often imperceptibly otherwise involved in such occurrences, and not to be behindehand with anie [occasion] of taking the advantage then, to make friends still, and more and more to intimidat Enemies.

4th. If England neglect this opportunitie now, it must needs follow, that when ever they may stand in need once of their Neighbours and Partners in Religion in Germanie, or shall otherwise have occasion, to make use of them, it will be remembered then that there was a time, when, not withstanding severall fair overtures and faithfull advertisements made and presented there by the Publicke Ministers of such and such their Principall Leaders (as I make no question of the Ministers their watchfull discharge of their dutie) no Heed nor regard was taken of any, all the fair occasions were wittingly and willingly past by, or let slip. In a word the late Predecessour's<sup>1</sup> course and example was followed and insisted, who would scarce adventure an earnest word in the poor Palatinats

<sup>1</sup> Charles I.

behalf, and thus their words would prove to[o] true, who cease not to object and maintaine still, whatever be alledged to the contrarie, That it is, and will be in vain, to look for any thing from England for the relief of the Protestant Affaires in Germanie, besides a few complements and generall condollings; and consequently the English Addresses on like occasions, and what may befall them hereafter, could promise them selves no better entertainment abroad, and the Protestants, instead of seeking and sticking to England, will rether chuse to applie them selves to any other, even of meaner condition, being but active and reall in performance. But we assure our selves of better successe thence, especially being so satisfactorily informed, that those former Grand Neglects have ever ben very conscientiously resented by the succeeding Authoritie, who therefore questionlesse will eschew all occasions of partaking in that sinne of the Stuarts familie, to abandon such an interest of Religion.

As therefore now the present conjunctures are very considerable, it 5th. being come to passe by a most singular Providence, that the Empire is fallen suddenly destitute, not onely of a Roman Emperour, but also of a King of the Romans, which happened scarce in an Age, and is not like to happen soon again, the lesse then ought such an Opportunitie be left unregarded, and unapprehended. And if England doe not watch now, and use all meanes and wayes to weaken, and disfurnish Spain, by getting and keeping that Hous disinvested of the Empire, they will finde cause enough to rue it here after, when the Spanish and Catholicke League shall gett new strength and courage there by, to combinde and join all their forces together against England, never leaving till they may invade, subdue, and ruin it—against that England, I say, which of late time yet, hath so publickly and solemnly declaired against them, in point of Religion, and thereby seized and laid hold on their very heart, as it were, in which regard and consideration England may well be looked upon as the Head of all Protestants.

There remains onely the question now, how should England act and proceed upon these Emergencies, for to attain their scope with most advantage? To this, I answer briefly, (being scanted now of time) that I doe hold the best and most expedient way, as things stand now, to consist in the redde and effectually imparting unto the King of Sweden and the Prince Electour of Brandenburg, such help and assistance, as now they stand in need of, so to get and interest all the Friends they can in Germanie, and by securing the Prince Electour at Heidelberg under hand of all friendship, and good offices upon occasions, thereby to dispose and encourage Him to the more chearfull opposing of the pretended Election of the King of Hungarie or Arch Duke Leopold. In the meane time, endeavours might be used by speedy Embassies, to renew good intelligence and constant friendship between Denmark and Sweden, Sweden and Holland, etc. When these and the like things may be brought about, without delay (these affaires suffering none at all) especially when care and courses shall be taken accordingly, really to obledge Sweden and Brandenburg, then and not sooner, a solempne Embassie might be dispatched into the Empire, about the instruction whereof, if the well-intended Advice of the forrein principaly interested friends may be heard, there may be offered severall particulars yet of singular weight and concernment.

*A Letter by Holberg concerning Cromwell*

LUDVIG HOLBERG (who was born in Bergen in 1684 and died in Copenhagen in 1754), the father of modern Norwegian and Danish literature,<sup>1</sup> studied as a young man for nearly two years in Oxford, from 1706 to 1708. In the admission register in the Bodleian Library his signature, *Ludovicus Holbergius Norvegus Die 18 April 1706*, may be seen among the names of some fifteen Norwegians admitted during the early part of the eighteenth century. He gave a very entertaining account of his stay at the university in his first autobiographical *Epistola ad virum perillustrem*.<sup>2</sup> Holberg remained all his life a great admirer of England and the English, and by his various writings did much to spread the knowledge of English ideas in Scandinavian countries. A good many of his *Epistler befattende adskillige historiske, politiske, metaphysiske, moralske, item skjentsomme materier*, which were published in five volumes, Copenhagen, 1748-54,<sup>3</sup> deal with political and intellectual conditions in England, and with its history, 'which of all European histories is the most useful and pleasant' (*Epist.* 264). He discovered a similarity between the English and Norwegian characters. The English, he says, are either angels or devils, for one of the peculiarities of the people is to spurn all mediocrity. There is no medium either in their virtues or their vices; the good are excessively good, and the bad immoderately bad. He mentions also the characteristic frankness of the English. In another place he says: what is called mediocrity has little part in Northmen; those who are good are excessively good and those who are bad are excessively bad. They are prone to fall into extremes and are so honest that they would rather incur hatred than speak otherwise than they thought.

The *Epistles* are mostly thoughts and reflexions jotted down during his miscellaneous and very extensive reading, mixed with his observations and experiences at home or during his travels abroad. The following translation of Holberg's estimate of Cromwell is taken from *Epist.* 358 in vol. iv (published in 1749). We can see that Holberg has made use of Clarendon, Rapin, and Burnet; in fact, he mentions the last two several times in the *Epistles*. But the independence of his view makes it not without interest to English readers. It must, however, be borne in mind that Holberg, who was permeated by the rationalism of his time, though opposed to its extreme views,

<sup>1</sup> An account of Holberg as a dramatist is given in O. J. Campbell's *The Comedies of Holberg* (Cambridge, Massachusetts, 1914).

<sup>2</sup> An English translation is in *Memoirs of Lewis Holberg* (London, 1827).

<sup>3</sup> I have used the edition by Chr. Bruun, five volumes, Copenhagen, 1865-75.

and who was a most loyal subject to his king, cannot be supposed to have been prejudiced in favour of the great puritan; and, secondly, that as a citizen of an absolute monarchy he had to weigh his words when praising a regicide. It is suggestive to compare Holberg's view of Cromwell with the contemporary characters drawn by Voltaire<sup>4</sup> and Hume,<sup>5</sup> who both wrote without these restraints, and were divided between hatred, contempt, and admiration.

R. LAACHE.

To \* \*

Sir,

You tell me that you have read with pleasure my last letter, in which I showed the chief causes of the great tragedy in England, and that you wish to know my thoughts about Cromwell, whether one ought to regard him as a genuine fanatic or as a hypocrite.<sup>1</sup> It is difficult to judge absolutely in this, as both his person and his achievements are well-nigh inconceivable. But it seems to me that he must have been at once both. There seems to be a contradiction in this, as enthusiasm does not generally go together with cunning and shrewdness, since no one is less apt to dissemble than an enthusiast, who like a machine is driven by his own motive force. But I have shown before in my writings that there are different kinds of fanaticism, one a blind fanaticism, and another a fanaticism which is governed and led by the understanding, and also that the last-mentioned enthusiasm is found in great heroes, who thus have known how with their intelligence to moderate the fire and direct the energy, which fanatical passions imply, and have thereby performed heroic and almost incredible actions. From the very beginning there was in this strange man an extraordinary ardour, which is found in enthusiasts who think that secular and ecclesiastical government is opposed to Christianity, and that it is their duty to preach against it. This alone seems to have been the motive which instigated him to signalize himself in the House of Commons by his daring votes when the restriction of the royal power or the abolition of bishops was discussed, and, as he showed such ardour and ran such risks even at that time, when nobody could dream that the quarrels between the King and the Parliament would end as they did, one may well believe, that he thought it his duty as a Christian and a patriot to speak freely, and that he looked upon himself as a sufferer for religion and the liberty of the people. This is not the character of a hypocrite<sup>1</sup> who goes about in a mask until he attains what he has been aiming at; not to mention that several have perceived in Cromwell certain symptoms and perturbations of mind which are only found in enthusiasts. Considering this, and always remembering the first scenes of his life, one might well think that natural inclination led him to join that sect of enthusiasts who acknowledged no other rule of action than those of their own fervid affections, which they called

<sup>4</sup> *Le Siècle de Louis XIV*, published 1752, chapters ii and vi; *Essai sur les Mœurs*, published 1756, chapter clxxxi.

<sup>5</sup> The volume of Hume's *History* dealing with Cromwell was published in 1754.

<sup>1</sup> Orig. 'Tartuf'.

conscience or divine inspiration. But if we continue our observations we find cunning, dissimulation, and other qualities which do not harmonize with enthusiasm, and we become bewildered with regard to his character, and may dispute *pro* and *contra* about it. But the knot can be unravelled when one counts Cromwell amongst that kind of enthusiasts who keep reason at the helm and know how to control their fervid affections, in order that great things may be accomplished thereby. Unexpected conjunctures which occurred later on forced him (so to speak) to change his nature and assume another character, in order to gain his aim, which in the beginning was only to reform the state and church according to the principle of the Independents; when later on he perceived that by dissimulation, cunning, and intrigues he could win for himself a great name and rise to a height to which his uncommon natural gifts might assist him—then he was always masked, and in this disguise did wonderful things scarcely equalled in history. His fanatic zeal, of which he could not rid himself, became of great service to him; it kindled the daring and courage required to finish the work of which he had laid the foundation by cunning and dissimulation, and to maintain the wonderful fabric whose permanence depended on almost supernatural strength. One sees from this what the last-mentioned kind of enthusiasm may perform, especially when it is found in men who also possess the qualities of Cromwell; for it is in this manner that great empires are both built up and ruined according as these qualities are used to the country's weal or woe.

It was by means of those qualities that Cromwell overthrew a government which had flourished in Europe for many hundred years. It was by these means that he, a plain, poor gentleman,<sup>2</sup> became Protector of three kingdoms which he ruled with absolute authority to the day of his death. The greatest gifts of nature, every one of which in itself would make one man prominent in comparison with others, were to an equal degree concentrated in him. He seems to have derived something from all nations, for one saw in him Italian shrewdness and cunning, French swiftness, English courage, and Spanish firmness. He founded his fabric with cunning; he put his machine in action by rapidity; by his courage he won victories everywhere, and overran three realms with a handful of men, so that it was said wherever he came, *Veni, vidi, vici*: it was by firmness that he not only all the time held in check the three subdued realms, but he also was a terror to all other potentates, by whom he was not only hated but feared. The same may be said of Englishmen, Scotchmen, and Irishmen among whom only some few enthusiasts were his adherents. I say some few enthusiasts, because most of the Independents themselves grew to hate him. He was hated by all the other sects, and it may be said that only his wonderful deeds and his great name kept internal and external enemies in subjection; for as he was hated by all, so he was also admired by all.

The last century was fruitful in great men, but none can be compared with Cromwell, for one must fuse together a Richelieu, a Mazarin, and a Condé to make such a man, since he was a perfect general, soldier, and statesman. I wished to attempt a comparison between Cromwell and

<sup>2</sup> Orig. 'ædelmand'.

Mazarin, who were rivals and contemporaries, but perceived that the parallel would have been too unequal, and therefore desisted; for all that can be said about Mazarin is that he was a shrewd and subtle courtier, whilst Cromwell was a statesman of much greater acuteness. It appears from the designs of both that Cromwell played his part better than Mazarin. Mazarin's designs very often failed because he was always dissimulating,<sup>3</sup> so that all were on their guard against him and it was everywhere said with regard to him, *cum vulpibus vulpinandum*; whereas Cromwell was faithful to his word, truthful, and open-hearted in many things so that he might with greater security intrigue in others; he was a long time looked upon as an honest and an ardent patriot, and nobody understood what he aimed at till he had attained his ends. Such is the real character whereby we know a genuine politician. If one wants to assert that they were both equally great politicians, it must on the other hand be remembered that Cromwell had many other qualities which are not found in Mazarin; for Cromwell ranks with those few men whom nature seems to have exhausted herself in moulding, and if he had not abused his great gifts, or rather, if he had been born in other times and conjunctures, he might have become a great example rather than a dreadful and dangerous one,<sup>4</sup> and would have been reckoned among the great heroes in history. But as he abused the qualities by which he might have shone like a sun, he was looked upon as a comet, as a scourge to Great Britain, and a terror to other countries. This cannot be said of Mazarin, who strengthened in France the monarchy which the other overthrew in England. But it does not follow from this that Mazarin was a better man than Cromwell; for if he had lived under Cromwell's conditions he would perhaps have done as much evil, nay, still more; for whilst the French minister had very little or no religion, the English Protector had plenty,<sup>5</sup> and I dare say plenty of virtue too, which he was persuaded to quench within him by exorbitant ambition and by the opportunity given him. Consequently we may say, that Mazarin was a worse man, but Cromwell did worse things, or rather, that the one had more faults but the other greater faults.

I remain, &c.

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### *A Four-field Manor in Bedfordshire*

MANORS with four common fields appear to be so exceptional that a notice of one may be worthy of attention. The Bedfordshire parish of Sutton, which formed a single manor, was enclosed under an unprinted act of 1742. The whole, except the glebe, was one estate, and therefore no map was appended to the act or made in obedience to it. The fields to be assigned in exchange for the rector's scattered strips were specified in words. All

<sup>3</sup> Orig. 'masqueret'.

<sup>4</sup> Literally, 'become a great light instead of a dreadful and dangerous man'.

<sup>5</sup> Literally, 'quite a dozen'.

that can be collected as to the original state of the parish has to be drawn from a terrier of the benefice made in 1708, which is very full, though it deals directly with only the two yardlands that formed the glebe. A fire in 1828 unhappily destroyed the muniments of the Burgoyne family, who have owned the whole estate since 1544, before which date, from 1382, it belonged to the Duchy of Lancaster.

In 1708 the manor was in a very primitive state, which can be roughly ascertained. The land undulates so gently that no balks or linches have escaped the plough, nor have many fragments of the old hedges which bounded the common fields survived. But local knowledge, especially in regard to the names of the furlongs, many of which, as is usual, have survived as those of the modern enclosures, will serve to eke out the deficiency. The four fields were each of about 200 acres, the whole acreage of the parish, which includes some augmentation in lieu of rights of intercommoning, being now 2,234. Thus the four fields contained as large a proportion of the total acreage as was normally contained by three fields. But the proportion was not larger; it does not suggest that the common had been diminished to increase the arable land.

Each of the fields, in all of which the demesne was dispersed in strips till 1742, was a triangle, whose apex touched the village and its closes. Three lay together like a fan, stretching from north to south on the eastern side of the parish, and all abutting on the adjacent parishes. Thus there was no common land beyond them, and if there had been on this side any addition to the arable, it must have been in the shape of an equal augmentation of each field, which is improbable. West of these fields cultivation was interrupted by the meadows of the manor, which are unusually large. Then, at the western end of the village, the fourth field comes, again with its apex adjoining the enclosures. It stretched north-westward, lying between the meadows on the south and the common land to the north and east, and was bounded to the west by an extension of the meadow. If it were not for the moderate amount of the total ploughed acreage, it would be conceivable that this fourth field was a later addition to the original three, for it lies adjacent to the common, which certainly was somewhat small, and might have been deducted from it. But its quite normal position, and the fact that there was no room for a fourth field in contact with the other three, are considerations which add force to the hypothesis that all four belong to the primitive arrangement.

Turning to the evidence of the terrier, it must be premised that the rector held the usual two yardlands. He was burdened with the servitude of bull and boar, which was still exacted in

1708 and was abolished in 1742. His strips in the fields were, as usual, distributed through all, though very unequally and not in every furlong of each field. In Church Field (the one isolated from the others) he had fifteen, containing by estimation 6 a. 3 r. ; in Dunton Bush Field, nine and a half, estimated at 4 a. ; in Headland Field, nineteen and a half, estimated at 8 a. 2 r. Unfortunately the terrier only locates the strips, without giving their acreage or their reckoning as 'lands', in Blain Bush Field. The strips numbered twenty-three, ranging in size from a rood to an acre. In one case the form 'three roods (two lands)' is used to describe two adjacent strips. Probably the half-lands in two fields were also strips of a rood, and the average 'land' or 'olyard'—the latter is a word which has escaped the *Oxford Dictionary*—was of half an acre, or rather somewhat less. Thus we may take the strips in the last-named field as equivalent to 11 acres, and the rector's ploughland altogether as about 30 acres. This was small ; in 1708 the parish clerk was paid at the rate of 4*d.* for every 20 acres of ploughed ground, which doubtless expresses the average dimensions of the yardland. But the rector had, in the meadows which were unusually large, no less than 15 lands or olyards—the terms are used here also—ranging from a rood to an acre and distributed promiscuously over the surface. This generous share may have been a compensation for defect of arable land. His stint on the common was two horses, nine cows, and twenty sheep, but this was, in 1708, a modern and large reduction by consent, and there is no evidence as to the primitive rights. Against the smallness of the common, which might encourage the notion that it had been robbed to form the fourth field, must be set the fact that it contained almost all the poor land to be found in the parish, and also that in the Church Field, possibly cut out of it, the rector had less than his proportionate share. Had a new field been formed by agreement, we should expect a studious equality in the distribution of its strips, for there was no such possibility of giving and taking as when the three original fields were simultaneously allotted in shares to the first settlers, and an excess in one could be balanced by a defect in others. On the whole, the evidence seems to point clearly to the four fields having been set out at the primitive settlement of Sutton. Unhappily there is nothing to show how the rotation of crops was adjusted to this unusual distribution of the land.

E. W. WATSON.

## *Reviews of Books*

*A Guide to Diplomatic Practice* (Contributions to International Law and Diplomacy). By the Right Hon. Sir ERNEST SATOW, G.C.M.G., &c. 2 vols. (London: Longmans, 1917.)

THE principle on which Sir Ernest Satow has arranged his highly opportune, as well as in many respects remarkably interesting, survey seems convenient and, in intention at least, simple. He has reserved for his second volume the discussion of what may be termed the materials of diplomacy, viz. treaties and other international compacts, together with the various methods of arriving at international agreements, such as congresses and conferences, good offices, mediation and arbitration; and he has devoted his earlier volume to what (as Debidour puts it in the preface to his well-known *Histoire Diplomatique de l'Europe*) concerns 'the form rather than the substance of international politics', and, more especially, the attributes and the immunities of diplomatic agents. But, perhaps unavoidably, it has not proved possible to make an absolutely logical distribution of contents between the two volumes; and such delicate matters as *ultimatum* and *casus foederis* have had to find refuge under the heading of 'Latin and French Phrases'; while repetition and here and there apparent self-contradiction could hardly be altogether escaped.

Perhaps the least satisfactory pages of the book are those which form its actual opening. The danger which lurks in definitions is proverbial; and, unlike the late Montague Bernard, who in the middle of his attractive course *On Subjects connected with Diplomacy* proffered two definitions of the term, as harmless as they were vague, Sir Ernest Satow enters the field with one of which the first line is assuredly redundant: 'Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states.' And when he adds, 'extending sometimes also to their relations with vassal states', he becomes, if he will pardon me, obscure. Whatever supplementary definition the author may be prepared to give of the term 'vassal state' (in a note to p. 199 of the same volume he applies it, of course correctly, to the whilom Transvaal Republic), it is clear that, from the days of the Allobrogian envoys, or from earlier days, downwards, the relations between independent and vassal states, or of sovereign and subject states, have been constantly subjected to diplomatic treatment. A further objection must be taken to the brief and rather perfunctory opening chapter, 'Diplomacy': that it fails to do justice to an important branch of study which lies at the root of a wide growth of historical research. Diplomatic, of which Mabillon may be regarded as the founder, lies at the root of all

productive research into the genuineness of historical material, and, coupled with palaeography, forms an indispensable part of all systematic historical teaching. This science is here dismissed with the words: '*La diplomatique* is used in French for the art of deciphering ancient documents, such as charters and so forth.' Sir Ernest Satow adopts a more decided tone in reminding his readers at the outset that when we speak of a 'weak or unintelligent diplomacy', we should not be so ignorant as to blame the agents of a country who reside abroad, instead of (to venture no higher) the secretary of state or minister of foreign affairs. It might be possible to show that even the least successful of foreign ministers have on occasion had to bear the responsibility for rashness or blundering not perpetrated by themselves. Yet there is a great deal of force in Sir Ernest Satow's incidental remark (i. 172) that, from the point of view of ensuring to ministers of foreign affairs a clear idea of the policy to be pursued by them in regard to each particular foreign state, it is to be regretted that 'the earlier practice of providing an envoy proceeding to his post for the first time with general instructions has in some countries fallen into disuse'. There can be no doubt that the great advantages of rapid intercommunication between, let us say, Downing Street and other foreign offices or its own agencies abroad are appreciably counterbalanced by the danger of decisions being taken without sufficient reflexion and consultation, as well as by the consequent diminution of the invaluable sense of diplomatic responsibility.

With the subsequent chapters of his first volume the author enters at once *in medias res*. His 'Book I', which has no collective title or specified theme, lacks the more methodical arrangement of its successors; but it may have seemed desirable to group certain portions or aspects of the general subject together at the outset; and a note or two will here suffice as to details. In the chapter on 'The Minister for Foreign Affairs', which concludes with a surely inadequate paragraph on archives of state, the history of the secretaryship of state is summarized in rather confusing fashion. It would have been simpler to say that the third secretaryship (for the colonies), established in 1768 and discontinued in 1782, was revived in 1794, when colonies and war were combined in the same department, till in 1854 a separate secretaryship for war was established. (The secretaryship at war was, of course, a departmental office only.) In Germany, we read (i. 12), 'the chancellor of the empire is also head of the ministry for foreign affairs'. This statement, as such, is incorrect: the chancellor of the German empire, who has under him a minister for foreign affairs, is himself also minister-president and minister for foreign affairs in the kingdom of Prussia.

The chapters on Precedence among States and Sovereigns cover a large span of history, and their interest is very varied. In the order of precedence said to have been promulgated by Pope Julius II in 1504 there figures an 'Archduke of Austria'; does this refer to Charles or to Ferdinand, both of whom were in that year living archdukes, besides Philip *Austriacus* (who in this very year became king of Castile, and whom a year earlier his father, Maximilian I, tried to raise to the dignity of elector). But who in 1504 was called 'Grand-duke of Florence'? Cosmo first took

the title of duke of Florence in 1537, and of grand duke in 1569. We are on surer ground in the eighteenth century; but the description of George I as 'King of England' should be avoided even by Englishmen who are not Scotsmen. From the suggested list of precedence of kingdoms those which as such date from the nineteenth century and after are omitted; but their sovereigns duly appear a few pages later. The seventeenth- and eighteenth-century disputes among states as to precedence, and this subject (including the convenient usage of the *alternat*), together with that of the precedence of diplomatic agents and others at table, discussed in a later chapter, belong to the inner mysteries of diplomacy. The Holy Roman Empire cannot with technical exactitude be said to have 'come to an end, in September 1805, by the establishment of the Confederation of the Rhine'. The act of that confederation was not signed till 12 July 1806, and it was on 6 August following that the Emperor Francis declared the dissolution of the bonds between emperor and empire. To his note on the incorrect designation 'Emperor of Germany', Sir Ernest Satow might have added that it required all Bismarck's courage at Versailles early in 1871 to prevent King William I's (with whom the crown prince at first agreed) preference for it from carrying the day against the rather less incorrect 'German Emperor'. At the other end of the scale, I do not think Sir Ernest Satow quite flawless as to the use of the predicate royal highness, which is also bestowed upon grand dukes (e. g. Mecklenburg and Saxe-Weimar). And what is his authority for the qualification that the title *Durchlaucht* (of which it must be allowed that *Altesse Sérénissime* or *Serene Highness* is an awkward translation) is 'borne by sovereign princes (not of ancient descent)'? What would the houses of Schwarzburg and Waldeck, among many others, say to such a distinction? And why should we be told that the heir presumptive of the German emperor is called *Kronprinz*, as is the heir of the emperor of Austria, without any notice being taken of the crown princes of Bavaria, Saxony, and Württemberg? (By the way, Sir Ernest Satow does not refer to the long-standing dispute of precedence between the last two of those kingdoms.) Nor is it clear why 1792 is given (p. 39) as marking the close of the useless protests of the Teutonic knights against the titles of duke, and afterwards king, of Prussia. Soon after that date the order had more practical reasons for protests before its immediacy came to an end. At the close of this portion of vol. i we learn with satisfaction that no definite rule has been laid down with regard to the position of an ex-president of a republic when travelling in a foreign country.

Then follow two valuable chapters on 'The Language of Diplomatic Intercourse' and on 'Credentials and Full Powers'. The earlier of these contains some curious matter, in addition to useful definitions, especially those of different kinds of diplomatic notes (among which particular attention may be directed to the paragraph on 'identical' notes). Since Latin has ceased to be the general diplomatic language (the commercial treaty between Great Britain and France in 1713 and the treaty of peace between the emperor and empire and France in 1714 alike were still in Latin, and so was the full power to the duke of Manchester for negotiating a treaty with France, dated 23 April 1783), there has been much diver-

gence as to the language or languages employed. But finally the practice seems to have settled down to the use of French when treaties or conventions are concluded between more than two powers; 'but, if between two Powers only, then it is very usual to have two texts, one in each language, signed by the plenipotentiaries of both parties.' The question of the language to be used in ordinary written diplomatic intercourse has been even more contentious; and though the practice now generally followed is that diplomatists should address the foreign minister of the state to which they are accredited in their own language, and that he should use his own in reply, yet this usage must perforce be subject to modification in certain instances. Sir Ernest Satow makes no reference to his own experience at Tokio or Peking; but he cites Bismarck's refusal to look at notes written in Russian, though he held it not unreasonable that the foreign minister at Petersburg should (if he chose) write in Russian to diplomatists accredited to the Russian court. A more important Bismarckian reminiscence might be supplied from the Arnim days, by way of illustrating the breach, rather than the observance, of the rule that the formal communications of one government to another are usually made through the representative of the former at the capital of the latter. And wholly Bismarckian is the maxim as to dealings with sovereigns cited elsewhere in this work from the well-worn manual of Callières, who wrote before the term *diplomate* had come into existence: 'Il est plus avantageux à un habile Négociateur de négocier de vive voix.' More roundabout was Lord Palmerston's device for informing Louis-Philippe of the view taken by the British cabinet of the Spanish marriages project and of Spanish home policy in general; but in this case the reverse of an understanding was in the minister's mind.

In the section 'Latin and French-Phrases and Terms', already noticed, it was perhaps hardly necessary to include *démarche*, the general use of which seems fully to cover the diplomatic, or *Quos ego* (though I think it was, at least once, employed by Bismarck). On the other hand, both *entente* and *détente* (of course, by no means correlatives) might have been worth explaining—the former perhaps better incidentally—in the section on 'Treaties of Alliance'. The discussion of the term *ultimatum*, on the other hand, is very interesting, more especially as connected with the whole subject of declaration of war, so lucidly treated some years ago by the late General Sir F. Maurice, and in its application to the events of 1914. The use of the word is not restricted to cases where the alternatives are acceptance or war, but it is at least consistent in signification, which cannot be said to be the case with the phrase *status quo*, or, as our foreign friends will persist in calling it, *statu quo*. Sir Ernest Satow's discussion of this phrase (i. 157) does not strike me as altogether clear; and at all events it must be regretted that usage should refuse to limit the use of the term to where it means *status quo ante* in contradistinction to *uti possidetis*.

Book II ('Diplomatic Agents') contains not a little that will be new to many of Sir Ernest Satow's readers. The note on '*ministère public*' (p. 173) is not quite clear to me, and I do not quite understand whether it is of the power of appointing diplomatic agents (with native princes?) that the British

governor-general of India is 'another example' (p. 178). In the chapter on 'Diplomatic Agents in General', where Sir Henry Wotton's jest has once more to do duty, it might have been worth while to touch on the change of residence on the part of an embassy or legation in cases of a change of the seat of government, as from Paris to Tours and Bordeaux in 1871. Particular interest is likely to be taken in the chapter on 'The Selection of Diplomatic Agents', which it would have been tempting to examine in detail, more especially with reference to the report of the royal commission of 1914. Sir Ernest Satow's suggested addition to that report, and his rendering of the standard observations of Schmalz (whom it is pleasant to meet with in so uncontentious a sphere), as cited by Schmelzing, are full of excellent sense; but it is imperative to express amazement at the dictum as coming from such a quarter, that 'geography, beyond elementary notions, is not of great value' for young diplomatists. The chapter '*Persona Grata*' is equally curious and instructive. But can it be a correct translation of the words 'ex eo ob quod mittitur' (p. 188), when we read that a diplomatic agent may be declined 'because of the character with which it is proposed to invest him'. A notable instance mentioned here (p. 187) is the refusal of Pope Pius IX in 1872 to receive Cardinal Hohenlohe as German ambassador—a refusal probably not solely due to the abnormal idea of allowing a cardinal to represent a foreign state at the Vatican, whence (we learn on p. 229) cardinals are never sent forth as nuncios. On the other hand, there is no reason for mistrusting the assurance of the Austro-Hungarian government in 1885 that its refusal to accept Mr. Keiley as United States minister was not occasioned by the fact that his wife was a Jewess (p. 194). The instances, by the way, cited in these volumes from the annals of United States diplomacy are frequent, though as a rule much to the point. That of Mr. Henry W. Blair's resignation of his appointment as minister to China is, however, a rather startling example of a politician whose earlier public utterances and conduct had made him a person *a priori* eminently *ingrata* to the government to which he was accredited. The president, while accepting Mr. Blair's resignation, seems (if I rightly understand) to have protested against the Chinese view as to the strong language formerly used by him having proved a sufficient objection to his being received at Peking; but there was no interruption of diplomatic relations between that court and the United States.

The chapter on the 'Classification of Diplomatic Agents' will perhaps be neglected by those intelligent journalists who hold themselves at liberty to make havoc of diplomatic titlature; but it will interest, among others, students of language and its niceties. How many persons are acquainted with the derivation of ambassador (Skeat's literal translation of the doubtful Celtic *ambactos*, 'one driven about', is almost worthy of taking a place by Wotton's definition), or with the force of the epithet in *legatus natus* and in envoy *extraordinary*? Much valuable information is, in this as well as in other chapters, to be found in the notes. I confess to having been among those who believed, erroneously, that an ambassador may at any time demand access to the person of the sovereign to whom he is accredited; it appears, however, that even in this respect the

etiquette of each particular court is supreme. Sir Ernest Satow adds that it is highly doubtful whether ambassadors of the United States, who do not represent the president, but the country itself, can be said to have a 'representative character'; but, though he observes that it is not customary to issue new letters of credence on the inauguration of a new president, is it not a fact that in most cases the persons of the ministers to foreign courts are changed on such occasions? I must not dwell further on this branch of the subject, which, from the institution of permanent missions by Venice in the sixteenth century onwards, has an historical fascination about it, except by way of noting that the classification of diplomatic agents adopted at Vienna in 1815, and at Aix-la-Chapelle in 1818, has since been further enlarged by the addition of a fifth class, 'agents and consuls-general'. These seem generally, though not invariably, to have been appointed only to states not fully sovereign; and thus this came to be the official title by one of the greatest of recent representatives of British foreign policy—the late Lord Cromer.

With reference to the interesting chapter on 'Immunities of Foreign Agents', I suppose that the well-known affair of Sir Horace Rumbold, which is not mentioned here, rightly falls under violations of neutrality; while the murder of the French delegates at Rastatt (mentioned vol. ii, p. 64) is an altogether doubtful case, since the Austrian generals had declared the place no longer neutral. The personal inviolability of the foreign agent, of course, extends to his movable property, including his correspondence; but no reference to recent experiences is required in order to confirm Sir Ernest Satow's judicious doubt whether an agent's 'official correspondence through the post-office would escape examination in countries where that practice is still carried on'. Real property belonging to the agent is subject to the local civil jurisdiction, with the exception, however, it seems, of his embassy house or legation, 'if it should happen to belong to him'. We do not learn what happens in the more usual case of the legation belonging to the state whose minister resides in it. On the not uninteresting subject of marriages before diplomatic agents (and consuls), which used, I think, to be more common than they now are, more distinct information might perhaps have been obtainable. In connexion with the question of exemption from taxation, we read of a bachelor ambassador having refused to import a ball-dress for the wife of one of his secretaries, on the ground that no one could suppose him to have any use for such an article. On the very much more important issue, however, of the immunity of a foreign agent's house from the right of entry by the local authorities, and from the execution of a summary process (such as searching papers) within its limits, the authorities—even Hall—seem to speak without absolute certainty, except in the case of a government being justified in arresting the agent himself. Connected with this is the right of asylum, of which, apart from earlier cases in Europe, where it has practically ceased to be enjoyed by political refugees, advantage has been largely taken in South America. The wider claim of *Franchises du Quartier*, thanks largely to the exertions of Pope Innocent XI, has long ceased to be effectual in Rome or elsewhere. In Spain the exemption from import duties of articles for ambassadorial consumption had, in

the latter part of the seventeenth century, given rise to so much abuse that it had actually been commuted for an annual sum of 16,000 livres allowed to each ambassador by the king. On the religious privileges of diplomatic agents there is not much to be said; but it is curious that when Joseph II allowed protestants at Vienna to meet for the private exercise of their religion, he closed the chapels of the protestant embassies, but that the pope (which ?) in 1846, with better logic, informed the Russian envoy at Rome that services in Italian would not be tolerated in the chapel of his legation.

Under the sub-heading, 'Situation of a diplomatic agent accredited to a belligerent state, and found there by the other belligerent in territory under the military control of the latter', reference is made to the case of the Comte de Broglie, whom, after his invasion of Saxony in 1756, Frederick II found at Dresden in attendance on the queen of Poland, and to that of the nuncio, who, with the American and other ministers, remained at Paris after the beginning of the siege in 1870. Bismarck asserted that they had no right to be there, and that their correspondence must unavoidably be subject to the military control of the besieger; and the United States government, whose minister at Paris had taken under his protection the subjects of the North German Confederation there and had consequently been allowed to dispatch and receive closed mail-bags once a week via London and Versailles, notwithstanding which permits in these had been occasionally delayed, seems, after much quibbling, to have tacitly allowed the German contention. Sir Ernest Satow aptly cites a precedent, showing that Canning's view on this point in 1823 practically agreed with Bismarck's in 1870.

The chapters on 'The Diplomatic Body' bring the reader into the very midst of those questions of precedence and titulature in which, in accordance with human nature, that body itself has always taken special delight. But I must not enter here into subtleties like that of 'giving the hand' or into refinements like that of the use of the term 'Excellency', which Sir Ernest Satow has the hardihood of suggesting it to be 'good policy' to accord even to officials not strictly entitled to it—the same good counsel, no doubt, applying to their ladies likewise. The section on presents of money happily deals with a practice that has become obsolete: the literally golden days of Gentz and the state chancery at Vienna have gone for ever.

Vol. i closes with a chapter of exceptional significance, entitled 'Termination of a Mission'. Sir Ernest Satow reminds us that, by English rules, the head of a mission is appointed for five years only. But this particular rule, again, beyond all doubt sound in itself, is emphatically one more honoured in the breach than in the observance. One of the reasons for the termination of a mission is here stated to be a change in the rank of a diplomatic agent—even when a *chargé d'affaires en titre* is appointed minister resident. On the other hand, it is satisfactory to find that on the death of a diplomatic agent it is neither necessary nor desirable to admit the intervention of a colleague of the deceased, even if he be the representative of an allied power. Sir Ernest Satow, as has been seen, states elsewhere that it is not

usual to issue new letters of credence on the inauguration of a new president: in 1878 Bismarck refused to consider this necessary when Grévy succeeded to MacMahon, and Waddington remained in office as foreign minister, to the wrath (according to Lord Newton) of Gambetta and the radicals. The instances given here of the recall of a diplomatic agent at the request of the power to which he is accredited, and those of the refusal of such a request, are alike suggestive; and if the latter are taken mainly from the diplomatic history of the New World, it will not be uncharitable to seek the explanation of this fact in the greater measure of publicity obtaining there in the discussion of affairs of state. Among earlier cases, those of Throckmorton and L'Aubespine go back to the times of Queen Elizabeth. Burghley's moderation in the reproof administered by him to L'Aubespine for having been accessory to the plot against the queen's life may merit applause; it does not, however, appear that a dismissal followed. Had it taken place, there would have been no difficulty in giving the king of France the satisfaction as to his agent's offence to which Sir Ernest Satow thinks the agent's government may be held to be fairly entitled.

The second volume of this *Guide to Diplomatic Practice* is even more full of interest than the first; but it takes the historical reader over what is likely to be to him more familiar ground, a large portion of which has already been mapped out by previous writers and editors, most of whom receive due mention by Sir Ernest Satow in his useful bibliographical appendixes. I do not know why he has not given a fuller list of collections of treaties, from the standard volumes of Koch and Schoell to the useful selection recently put together by Mr. R. B. Mowat. Of course, however, Sir Ernest Satow's object is not to discuss the subject-matter of the treaties enumerated by him, but rather to analyse their schemes and methods of construction, so as to 'furnish models for the framework of such compacts' (ii. 192). Thus a certain barrenness of result was hardly to be avoided, as in the case of the peace of Westphalia itself, which, from the account given here, one would hardly guess to have had a bearing on the history of religion, and as to which this *Guide* does not even refer to Pütter's still invaluable treatise. The treaty of friendship and alliance between Bulgaria and Serbia of February 1912 is, by way of contrast, given at length. On the other hand, there is much to be learnt from this volume as to the meaning of the terms 'congress' and 'conference', between which it has surely become time for diplomatic usage to distinguish definitely. Thus those international gatherings from which it has become usual to derive the designation of a whole period of modern European history as 'the period of Congresses'—Aix-la-Chapelle, Troppau, Laibach, and Verona—are in the present work correctly described as 'so-called congresses' only; and in the case of the first named of these instances the character of a 'congress' was expressly disavowed by the four allied sovereigns who summoned the meeting, though it was also to be attended by a French plenipotentiary. To the congresses of Paris (1856) and Berlin (1878) no one would think of denying the appellation; but in the list of the chief conferences held from 1827 onwards Sir Ernest Satow thinks that there are some which might perhaps have been more appropriately termed

congresses. Among these he includes the two peace conferences of The Hague and the Algeciras conference, but not either the unfortunate Danish conference or the successful one on the Luxemburg crisis held three years afterwards.

Several terms incidentally occurring in this part of the work are carefully explained: such as *article de désintéressement*, the disclaimer by a state which is party to a treaty of a desire for any advantage for itself (including any increase of territory). And students will be grateful for the definitions of the words used to designate several kinds of international compacts—such as *declarations*, *agreements*, and *arrangements*. But here, again, there is in some instances a lack of international consensus: what in English is called an agreement is in French sometimes *arrangement* and sometimes *accord*. The use of the term 'protocol', originally 'a register into which public documents were stuck', has settled down into signifying a record of an agreement between the high contracting parties—but why 'a somewhat informal record'? Does this description, for instance, apply to Lord Clarendon's famous protocol of 1856? The word, however, is also used of the minutes of meetings of the plenipotentiaries at a congress or conference, which are more conveniently called a *procès-verbal*. (In a note to his account of the Second Geneva Conference (ii. 126) Sir Ernest Satow dwells on the importance of the functions belonging to the *rapporteurs* of parliamentary committees, familiar to French parliamentary life, and perhaps destined to have a future elsewhere.) *Compromis d'arbitrage* speaks for itself. *Modus vivendi*, as a diplomatic term, means a temporary or provisional agreement, sometimes made only by an exchange of notes. A less well known diplomatic term is *lettres reversales*, which seems ordinarily to imply the safeguarding of the previous rights and prerogatives of the one party by the other, in return for some special concession made by it.

I have no space left for dwelling on the section concerning ratification, and more especially on the reasons which may justify a state in declining to ratify a treaty to which it has been a party. But attention should be directed to the peculiar position in this matter of the United States, where the conclusion of a treaty lies with the executive, but the ratification with the senate. The distinction between 'adhesion' and 'accession' is yet another of the insufficiently settled points in diplomatic usage—on the showing (p. 281) of both Sir Ernest Satow and Professor Oppenheim.

But the least satisfactory of these variations of practice necessarily comes under notice in the course of the discussion, in the concluding pages of Sir Ernest Satow's text, of a subject of very high significance,—the functions of good offices and of mediation (for of arbitration, which mediation may at times comprehend, only a few concluding words are said here). The confusion between the two terms is the despair of students of diplomatic history; and it is small comfort to be told, by an authority like Dr. Pearce Higgins, that the difference is more theoretical than practical. In a passage which Sir Ernest Satow cites in contrast (pp. 291-2), Dr. Oppenheim tells us that 'the Power which proffers its good offices does not take part in the

negotiations which may follow'; to take such a part is mediation. To be sure, much care is needed in order to carry through this distinction in all instances, and in every stage of every such instance. This is shown, for example, in the case of President Roosevelt's 'good offices' between Russia and Japan, a more detailed account of which would no doubt repay careful study from this point of view. Sir Ernest Satow is convinced that the president well knew where to draw the line; so that Portsmouth was a direct antithesis to Nikolsburg, where Benedetti's task was, in a word, to obliterate the distinction. In December 1822, as Sir Ernest Satow reminds us in his concluding example, the French government, when rejecting the mediation with Spain proposed through Wellington, but suggesting at the same time that the British government should use its good offices by moderating counsels to Spain, illustrated the dictum of Martens that the difference between good offices and mediation is shown by the possibility of accepting the one while rejecting the other.<sup>1</sup>

A. W. WARD.

*The Work of St. Optatus, Bishop of Milevis, against the Donatists, with Appendix.* Translated into English with notes critical, explanatory, theological and historical. By the Rev. O. R. VASSALL-PHILLIPS, B.A. (London: Longmans, 1917.)

IT is an act of commendable courage to prepare and publish an English translation of a work so little read in its original language as the seven books of Optatus against the Donatists, with related documents. The paper and type are almost luxurious, and all concerned have co-operated in producing what is a most beautiful book. The translation has been tested at a number of points, and been found not only trustworthy, but on occasion even felicitous. Some errors have been noted: p. 68, for 'Anacetus' read 'Anicetus'; p. 97, for 'Theneste' read 'Theueste' (an error shared with Ziwsa, the latest editor of the original); p. 121, the *uiolentiam* of the original is not represented, also 'Bagaia' should be 'Bagai'; p. 201, 'Why is it that there is here no mention of water?' should be 'Is it because there is here no mention of water?'; 'twisted round' is no rendering for the doubtful *conligeres* ('gathered together'), and (p. 202) it is not justifiable to translate *oleo* by 'Sacraments'; p. 240, the plural *tractatus* is wrongly rendered as singular; p. 241, 'rudest' will hardly do for the strong *scabrosissimis* (the translator should have pointed out to the reader that the language here is suggested by the leprous skin of Naaman), nor 'inveterate' for *ueternosus*, which means

<sup>1</sup> Although much care has evidently been taken with the printing of these volumes, and the spelling of older French authorities has been faithfully reproduced, it might be well for the next edition to revise the text carefully from the point of view of French accentuation. The opportunity might also be taken for removing instances of the incorrect use of the word 'replace'. 'Baron Wessenberg, *Geheimrat*' seems an insufficient titlature for a statesman of such distinction; but in any case *Legations-geheimrat* (ii. 109) is an impossible compound. 'Mons. Jaeger' (*ibid.*) does not seem to fit an Austrian chargé d'affaires in 1857. The spelling *Veniselos* is unusual; but that of Liszt, as designating a great economist (i. 373) and not a great musician, is more out of the way.

'lethargic'; 'rivers' (*fluminibus*) would have been better than 'waters', as their names are actually specified in Scripture; p. 267 contains a serious error, which shows that the translator has no deep knowledge of Latin: he prints 'Gaius, Seius, or Gaia, Seia' (thus), instead of 'Gaius Seius, or Gaia Seia', although Ziwsa's index would have shown him that the words indicate 'any man or woman you like'.

I am the more anxious to commend the translation, because the other contents of the volume are amateurish in the extreme, and would have been far better excluded. The translator appears to be unaware that patristic study requires a hard apprenticeship, and that a knowledge of Latin and a strong interest in 'Catholic' dogma are not enough. The very title-page is disquieting. The name of Optatus' see is variously recorded, but the form on the title-page is one for which, to the best of my belief, no authority exists: *Mileum* is the only well-attested form. On p. xxi 'Tichorinus' is mentioned, for which substitute the well-known 'Týconius' (Tichonius); on p. xxiv *sussarcinatus* should be *suffarcinatus*, a piece of culpable carelessness; on p. xxviii 'The *Editio Princeps* of Optatus was printed at Metz in 1549 by Cochlaeus, a Canon of Warsaw', should run, 'The *Editio Princeps* of Optatus was printed at Mainz in 1549 by Cochlaeus, a Canon of Breslau';<sup>1</sup> on p. xxix some statements about editions of Optatus are faulty, as may be seen by consulting Schoenemann's *Bibliotheca Patrum Latinorum*, though the translator is not to blame for being unaware that Du Pin's 1702 edition was produced at Paris as well as at Antwerp.<sup>2</sup> On p. 40, n. 3, read *principale delictum est*; on p. 40, n. 4, the words *uel infidelitatis, sed* are omitted after *idololatriae*; p. 79, n. 2, at this time of day the Ambrosiaster commentary is gravely cited as 'St. Ambrose'; p. 183, n. 4, the *Quaestiones* of the same writer are quoted as Augustine, and the column alone, not the volume (xxxv) of Migne is given; p. 323 (cf. p. 331, n. 1), 'Aptunga' is given instead of 'Aptugni' (all the valuable archaeological work done in Northern Africa, especially by the French, has been wasted, so far as our translator is concerned); p. 348, n., for *cum Traditor fuisset* read *iam traditor fuit*, for *parte* read *ipsa parte*, for *referatis* read *reaseratis*; p. 384, Du Pin's most able suggestion, *Ablauio* for *Aelaflo*, does not commend itself to the translator, but any one who consults the Latin Thesaurus under *Ablabius* will regard it as far more probable, alike on palaeographical and historical grounds, than Duchesne's suggestion approved by him; in note 1 on the same page, *Aug. con. Cresc.* iii. 81, &c., is cited for mention of a certain 'Patritius' (read 'Patricius'), but no such person is mentioned anywhere in that work; in the same note 'Eumelius' should be 'Eumalius'. The usefulness of the book would have been increased by giving the numbers of the books in the head-lines. At the end the map of Du Pin's 1702 edition is republished in smaller size, and thus a valuable opportunity has been lost of incorporating the results of the investigation of the last thirty-five years, many of which are available in the parts of the eighth volume of the *Corpus Inscriptionum Latinarum*. A. SOUTER.

<sup>1</sup> *Vratislaviensis* wrongly resolved.

<sup>2</sup> This fact is unknown to Schoenemann or to J. E. B. Mayor's *Bibliographical Clue*.

*Chronicle of John Bishop of Nikiu.* Translated from Zotenberg's Ethiopic text by R. H. CHARLES, D.Litt., D.D. Text and Translation Society. (London : Williams & Norgate, 1916.)

THIS valuable work, first made known by Zotenberg in the *Journal Asiatique*, 1877, 1878, 1879, with an introduction, abstract, and translation of selected passages, and edited by him in full with translation in *Notices et Extraits des Manuscrits*, vol. 24 (1883), exists only in an Ethiopic version translated from an Arabic version of the original text, which Zotenberg believes upon grounds not sufficiently explained to have been written mainly in Greek with portions in Coptic. A text which has undergone two translations is naturally very corrupt, and, while great credit must be given to Zotenberg for the manner in which he performed the difficult task of translating it, it was inevitable that further study should detect many errors and insufficiencies, and it was therefore a matter of great satisfaction to those who are interested in the last days of Byzantine rule in Egypt when the long-expected translation by so accomplished an Ethiopic scholar as Dr. Charles at last appeared. It does not rest with me to criticize the translation as such; but in many places manifestly incorrect renderings of Zotenberg have been changed and translations have been supplied of passages which he gave up as hopeless, and that we have in the present volume a much more accurate version than that of Zotenberg we may rest assured. Unfortunately, however, on many points on which we expected light to be thrown we obtain no information from Dr. Charles. For instance, Zotenberg frequently gives us the title 'prefect' without telling us what the word is which is so rendered, and a scholar ignorant of Ethiopic is therefore unable to use the word in an investigation of the Byzantine administration in Egypt or to gauge the status of the official thus described; and it is a great disappointment to find that Dr. Charles still leaves us in the dark upon the point. Again, when a Greek word or name is restored by conjecture, the exact transliteration of the Ethiopic word should be given, since a reader may have a different opinion as to the word or name intended; but in this version we are frequently told merely that the text is corrupt or that the name has been restored by Zotenberg. How important this is may be seen from p. 146, n. 3, one of the few instances in which the Ethiopic word is given. Here Dr. Charles puts in the text 'John of Antioch', but states in the note 'Text reads Akāws', and, as John of Antioch, mentioned a few lines above, died long before the Synod of Chalcedon, there can be little doubt that John of Aegae is meant (see *Zach. Rh.* iii. 3). A very bad case occurs on p. 197, where we read 'Kubratos chief of the Huns the nephew of Organa', without any hint that these names are not in the Ethiopic, and the same is the case with Zotenberg's final translation. But from the *Journal Asiatique* we learn that the Ethiopic has 'Qetrades', 'Moutanes', and 'Kuernaka', and the identification with the Cubratos mentioned by Nicephorus is only a conjecture.

Accordingly, although a new translation should supersede all previous ones, the scholar who wishes to use John of Nikiu for historical purposes must have the three volumes of the *Journal Asiatique* before him as well as Dr. Charles's translation. Three similar instances occur on p. 120, where

on looking at Zotenberg we discover that 'Papyris', 'Maurianus', and 'Pelagius' are conjectures. On p. 197 we have an opposite case, for the word 'Matarguem' is here given as a title, and it is only in the index that we are told that it represents λογοθέτης, while from Zotenberg we learn that the word is merely a transliteration of the Arabic *matargam* (interpreter?), and that the rendering λογοθέτης is very doubtful. At p. 175, n. 2, we wish to know why 'the artisan guilds' are identified with the Greens. Again, in the numerous cases in which it is stated that the word is Arabic, the actual Arabic word should be given. 'Scholar' (p. 147, n. 6) is an odd rendering of σχολαστικός (barrister); and, as the version is in English, not in German, Fayum should not appear as 'Fajum' (p. 179), a method of transcription which at least in the case of Ethiopic words is misleading, e. g. Jutalijus (p. 197), where a reference to Zotenberg shows that the Ethiopic letter represents not 'j' but 'y'. (This name is not in the index.) Dr. Charles has a strange system of explaining Egyptian dates by the Gregorian calendar, and this neither according to the reckoning at the present day, when it differs from the Julian by thirteen days, nor according to what would have been the reckoning in the seventh century, when it would differ by three days, but according to the reckoning in the nineteenth century, when it differed by twelve days, the synchronisms being apparently taken from Dillmann (p. 200, n. 1). As the Gregorian calendar did not come into use till 900 years after John's time, and the reckoning of events in his time is always given by the Julian calendar, it is hard to see what purpose is served by giving the Gregorian dates. As Dr. Charles says nothing about corrections derived from the manuscripts, we must assume that he has not examined them, though, as no text is perfect, we cannot doubt that, if he had done so, he would have been able to throw further light upon the author's work; nor with regard to the original language does he do anything beyond reproducing Zotenberg's rather strange supposition of a mixed Greek and Coptic original.

E. W. BROOKS.

*A Catalogue of English Coins in the British Museum: The Norman Kings.*

By G. C. BROOKE. 2 vols. (London: Longmans, 1916.)

It is claimed by the Keeper of Coins and Medals in the British Museum, who contributes a brief preface to these volumes, that by including descriptions and illustrations of important coins which are not represented in the Museum collection, they have been made 'a fairly complete work of reference on Anglo-Norman coins'. He also lays stress on the subordination of the mints to the types, as reflecting the great advance which has been made of recent years in fixing the chronology of the types. The historian has need at times, especially for Stephen's reign, to ascertain from an authoritative source what was the condition of the coinage as shown by the coins themselves, and he can now obtain from these volumes the latest information on the subject.

As with other sciences, that of numismatics advances, but, so far as concerns results of interest to other than numismatists, the advance is somewhat slow and tentative. In one instance, indeed, Mr. Brooke

has changed his mind even while this work was passing through the press. The famous 'double-figure' type of Stephen's reign is assigned (with a query) on plate lx to 'Queen Matilda and Eustace'; but in the introduction this is corrected to 'Stephen and Queen Matilda', on the ground that 'Eustace was not knighted till 1147 or 1149', while the coin is of earlier date by several years (i, pp. x, cviii-cx). So too, on the same plate, there is a tentative ascription of certain coins to 'Eustace, son of Stephen', but Mr. Brooke observes that 'since the plate was printed, he has felt more strongly the necessity of abandoning this attribution'—again on the ground of Eustace's age at the probable date when the coin was issued—and he now assigns them to Eustace Fitz John (i, p. cxiii). This leads us to a point which has been definitely established. Since 1890 it has been known, from a solitary fragment in a private collection, that certain 'Eustace' coins were issued by Eustace Fitz John. This is a point of obvious interest to historical students, as bearing on the alleged issue, in Stephen's time, of coins from baronial mints. We observe that on both the points connected with Eustace Fitz John, Mr. Brooke differs from Mr. Andrew, and is doubtless right in doing so.

As 'the irregular issues' (as they are here termed) of Stephen's reign are probably the subject on which the historian is most desirous of knowledge, one may observe that, apart from those attributed to the king's brother, the princely bishop of Winchester, to the empress and her son, and, tentatively, to their ardent supporter, Brian Fitz Count, the only others at present attributed are those which bear the names of 'Robert' and 'William' (possibly, it is suggested, the two earls of Gloucester), of Eustace Fitz John, and of Robert de Stuteville. As to 'the regular coinage of the realm', the author definitely asserts that it 'retained its standard weight and fineness, and light or base coins are not more frequent in this than in the preceding reign'. He rejects, therefore, the statement of William of Malmesbury that Stephen grossly debased the coinage; nor, one gathers, would he accept the view of Mr. H. W. C. Davis that 'rights of coinage . . . were granted without stint or limitation' by both claimants to the throne.<sup>1</sup> His view seems to be that the privilege of coining was *usurped* by certain barons, who issued debased imitations of royal issues for their own profit, but that the 'named coinage' mentioned above makes it 'possible that the privilege of coining was actually bestowed by the King or the Empress on some of their followers'. This cautious conclusion seems a plausible theory, but is wholly, I believe, unsupported by any documentary evidence.

Perhaps the most outstanding point now established numismatically is the existence of a mint in or near York, from which were issued, under Stephen, sundry coins of such peculiar and distinctive types that Mr. Brooke is disposed to think them due to 'severing of control from the central authority at London' (pp. cvii, cx). Among these are the 'flag type' of the king's coins, in which he is seen holding, instead of a sceptre, an object which, I think, certainly suggests a horseman's lance rather than the 'standard' which gave name to the battle of 1138, and the famous 'double-figure' type. The coins issued by 'Eustace' and 'Robert'

<sup>1</sup> *England under the Normans and Angevins*, p. 166.

are also considered, from certain peculiarities, to belong to this group (pp. cvi-cxvi). Their study has been complicated by the fact that the 'Eustace' coins, formerly assigned to Stephen's son, are now believed to have been issued by Eustace Fitz John (as explained above). Mr. Brooke rejects Ruding's view that the former struck them 'during his residence at York as governor', as he can find nothing in the Chronicles to support the view that 'Eustace was Governor of York at the time', and finds no evidence 'that such an office as "Governor" of York existed in the twelfth century' (p. cxii). Yet he himself writes:

The issues seem to me to represent the efforts of the mint at York in the hands of local administration thrown upon its own resources. . . . It appears that the control of the mint or mints of Yorkshire was taken over . . . (presumably about 1141, or perhaps slightly earlier) by the Constable of York and other magnates. . . .

What evidence have we that such an office as 'Constable' of York existed at the time? Although the names of Eustace Fitz John and Robert de Stuteville may now be definitely accepted, there is nothing to show why these barons should have struck the coins assigned to them. It is strange that Mr. Brooke does not mention the resemblance of the mounted knight on Robert's coin and of the lion on that of Eustace to similar figures on seals of the period.

The coins of the empress, we learn, seem to be of low weight, but good metal, and the mints she is known to have used were at Bristol, Oxford, and Wareham. Her coins, we read, bore the inscriptions (in abbreviated form) 'Imperatrix, Matildis Comitissa' and 'Matildis Imperatrix'. Of 'Matildis Comitissa'—a style, surely, which she is not otherwise known to have used—no explanation is vouchsafed. As with the two Eustaces, so with the two Henrys, the empress's son and her cousin, Henry of Scotland, there has been some confusion as to their coins. Mr. Brooke has much to say on the issues of both (pp. cxviii-cv, cxxi-cxxix), which present considerable difficulties, especially those of Henry of Anjou. However scholarly and competent may be his numismatic work, historical students may be somewhat disappointed at the indefinite conclusions at which Mr. Brooke has arrived. It looks as if their studies can expect little help from a science still abounding in unsolved problems. On the other hand, he might perhaps have consulted with advantage to himself the pages of this Review. The present writer alone has contributed to it papers on 'King Stephen and the Earl of Chester', 'The Colchester Mint in Norman Times', and Henry's alleged visit to England in 1147, all of them on points with which Mr. Brooke is concerned; and Mr. Davis's study on 'The Anarchy of Stephen's Reign' is of importance. Yet he only cites 'the letter of Brian Fitz Count to the Legate, published by Mr. Round in *Eng. Hist. Rev.*, 1910, pp. 297 ff.', which happens to have been contributed by Mr. Davis.

Apart from the coins dealt with above, the only 'irregular issue' of the Norman period is represented by 'one coin of the reign of William II', attributed to 'Llewellyn [*sic*] ap Cadwgan' by Mr. Carlyon Britton, and here assigned to a mint at Rhyd y Gors. Historically speaking, this seems to present some difficulty. Llywelin, who was slain in 1099, was a younger son of a house whose territory was far removed from Rhyd

y Gors, and Professor Lloyd tells us even of the Wales of a century later, 'No Welsh prince of this period coined money'.

It would be difficult to speak too highly of the collotype plates illustrating this valuable *corpus* of the coins of our Norman kings.

J. H. ROUND.

*The Law and Custom of the Sea.* Vol. I, 1205-1648 ; Vol. II, 1649-1767.

By R. G. MARSDEN. (Navy Records Society, 1915, 1917.)

THESE volumes are to be welcomed as furnishing materials, hitherto mainly inaccessible, for English naval and mercantile history from the thirteenth to the eighteenth centuries. In his excellent edition of *Select Pleas of the Court of Admiralty* and in articles for this Review, Mr. Marsden has so fully covered the ground as to leave little room for comment. The student of his selected documents cannot fail to agree with the editor that 'the advance made in four centuries . . . towards the recognition of a common law and common usages to regulate war and fighting at sea is small and its progress intermittent'. Indeed the interest of the subject may almost be said to be in an opposite direction—in the field which it opens to the sociologist for the study of 'survival', 'reversion', and even of 'retrogression'. The laws of war are the rules of the game as expounded by the players ; but each team has its own code, and not only does the worst code tend to displace the others, but even the rules of that code are one by one suspended as the game lengthens and intensifies. If the Navy Records Society publishes a third volume, the practice of naval warfare will not be found less lawless at the end of the eighteenth century or at the beginning of the twentieth than it was in the middle of the fourteenth century. Fortunately, in the intervals of peace, the principles of human intercourse have found a more lasting and progressive basis, and it is therefore perhaps a pity to appropriate the term 'law and custom of the sea' to those aspects of law and custom upon which the Navy Records Society naturally concentrates its attention—piracy and privateering, prize and reprisals, convoy and contraband. Within these limits, however, the economic historian will find ample data, and perhaps his chief concern will lie in the verification of the generally assumed connexion between the commercial interests of the nation as understood by its government and its naval policy in regard to neutrals, contraband, and prize. Some light is cast on this subject by the documents printed in the second volume relating to trade with the English colonies and with Spanish America.

By the Act of 1650 (says Mr. Marsden) foreign ships caught trading to the English plantations in America or to the West Indies were declared good prize. The policy of this Act, carried further by the Navigation Act of Charles II and by instructions to commanders in the West Indies to force a trade upon the Spaniards, gave an impetus to irregular fighting in American seas which culminated in the Spanish War of 1739.

No doubt the fact that the correspondence between the government of Henry VIII and that of Charles V, in 1544-6, has been so long accessible in print prevented any account being given in these volumes of one of the most interesting discussions of maritime law on record, in which the conflicting commercial interests of the parties concerned had obviously

no small influence in determining their conception of contraband. The same economic motives played a large part in determining the formulation of maritime law during the Dutch war of independence. The Dutch provinces were themselves divided as to the extent to which trade should be suspended by war; and the policy adopted by Leicester as governor in 1586 was denounced as being dictated by English interests. English shipping through the Sound trebled and quadrupled in two years. Mr. Marsden has done well to reprint the report of the law officers in 1753 as to the action of Frederick II in withholding payment of interest on the Silesian loan in reprisal for losses due to English privateering, which forms an interesting counterpart to the instructions issued to Sir Richard Bingham, in 1583, to seize ships of the Low Countries to recompense Queen Elizabeth for a loan made by her to her allies.

G. UNWIN.

*History of the Cutlers' Company of London and of the minor Cutlery Crafts, with Biographical Notices of early London Cutlers.* Vol. I. By CHARLES WELCH, F.S.A. (London: Printed privately, 1916.)

THE quincenary of the Cutlers' Company last December furnished the occasion for this fine volume, which has been compiled by Mr. Welch, who, in addition to being a London antiquary of repute, was master of the Company in 1907-8. It is one of the most noteworthy of recent works which bear witness to the growing interest taken by the city companies in their early history. The present volume comes down to 1500. Unfortunately, for this early period the Company possesses no records except for a series of accounts belonging to the latter half of the fifteenth century. These accounts are for 1442-5, 1449-51, 1452-4, 1456-7, 1458-60, 1461-3, 1464-72, 1473-81, 1483-7, 1489-90, 1492-3, 1494-5, and 1496-9, nineteen years being missing out of fifty-six. Of these Mr. Welch has printed the first and one of the last—for 1497-8—together with extracts from other accounts bearing on the old hall, repairs to property, leases, and the religious observances at the Charter-house, together with interesting lists of purchases of ivory for the use of the craft and of presentation knives—no less than 60s. was paid for a pair of knives given to the mayor in 1468-9. But for most of his information Mr. Welch has had to draw upon the archives of the Guildhall and the Record Office. Of these he has made good use. But it is inevitable that his narrative is more a history of the early cutlers of London and their craft than of the Company itself. As a consequence, two of his five chapters are concerned with notices of early London cutlers, from Adam the Cutler, in the reign of Richard I, to the end of his period. In the first chapter is given an account of the early history of the cutlers' craft, which can be traced as an organized body early in the fourteenth century, with an account of subordinate crafts like the hafters, sheathers, furbours, and knife-smiths. Two other chapters deal with the public life of the Company in the fifteenth century, and with its inner life as illustrated in the early accounts. In this way Mr. Welch must have brought together all that there is to be told of the Company and the art of cutlery in London in the middle ages. The accounts are kept in two parts; the first by the master and wardens, the second by

the rent-gatherers. As Mr. Welch points out, this dual form must be a survival from the time when the Company was both a fraternity and a craft; the master's account represents the former, dealing, *inter alia*, with alms and payments for religious observances; the rent-gatherers' part is the old temporal account of the income from the Company's property. In his 'Evidences', which occupy nearly 150 pages, Mr. Welch includes, besides the accounts already noted, a collection of materials from various sources. Both text and Evidences form an invaluable contribution to London civic history. A doubt may, however, be expressed as to whether Mr. Welch's readers will share his preference for the interruption of the text by references to authorities over the citation of them in foot-notes. One or two minor points may be noticed. On p. 136 there is cited as 'a curious and obscure entry' in the cutlers' accounts under 1497-8: 'Paid for brede and ale that day the obite was kept at Powles for the Kyng of France, 2 $\frac{1}{2}$ d.' Mr. Welch states that 'no light is thrown upon the matter by historians of this period'. Nevertheless a reference to the *Chronicles of London*, p. 223, would have shown that on 5 May 1498 'was kept at Powles a solempne Dirige or Obsequy for the Frensh kyng, and on the morne a solempne messe, where offeryd the Meir and his brether and all the Crafts of the Cite'. It is a pity that so good a London antiquary should fall into the common error of quoting Strype's *Survey* as Stow. On p. 224 Stow is, in consequence, made to attest something which happened after he was dead, and is charged with 'extravagant praise' which he did not write. In conclusion we must note that the volume is lavishly illustrated, and that it is in every way worthy of the generous provision which the Company made for its adequate production. C. L. KINGSFORD.

*The Eastern Question; an Historical Study in European Diplomacy.* By J. A. R. MARRIOTT, M.P. (Oxford: Clarendon Press, 1917.)

THE Eastern Question, which has been with us all our lifetime, may be said to have originated with the establishment of the Turks at Constantinople in 1453, and it will be solved when they return to their original home on the Asiatic side of the Bosphorus. When the Balkanic League in 1912 had vanquished the forces of Turkey in the field, it appeared to mere onlookers as if nothing could prevent the completion of their triumph by the total destruction of the Ottoman power in Europe, an event long desired by the friends of liberty and of the Christian races which for so many centuries had groaned under the oppression of the Turkish sultans. On the arrival of the Bulgarians before the lines of Tchatalja the capture of Constantinople seemed imminent. The Serbians in their turn occupied Uskub, and detaching a portion of their army towards the Adriatic, seized Alessio and Durazzo, while the Greeks got possession of Salonika and Monastir and, later on, Janina. With the Bulgarians at the Bosphorus and Dardanelles, the Serbians at Uskub and on the Adriatic, and the Greeks at Salonika, an equitable division of the conquered territory between the three chief members of the league might be regarded as capable of arrangement. But a summons not to press on towards Constantinople, coming from a quarter that is not difficult to divine, arrested the further progress

of the Bulgarians. Long-cherished hereditary ambitions, dating back for two hundred years, would have been frustrated if the imperial seat of the eastern empire had fallen into the hands of a people only yesterday admitted into the category of independent nations. Nor could the use to which they might put such a commanding strategical and commercial position be calculated on with confidence. Could they be trusted to assure a free use of the passage at all times to Russia and Rumania? For Russia this is a matter of vital importance. Constantinople is 'the sentinel and custodian of the straits': without the command of the straits 'she can never fulfil her destiny as one of the leaders of world-civilization'. Of all the Balkan races the Bulgarians are counted as the most vigorous. They are gifted with shrewdness and perseverance, have learnt the value of education from their American teachers, are endowed with the courage and tenacity of the bull-dog. They had not previously suffered defeat in the field, as had both their allies, and a brilliant future was anticipated for them by their friends. But the warning was one which could not be disregarded.

On the other hand, the retention by Serbia of the outlet to the sea, which she had gained on the coast of the Adriatic, would tend to emancipate her from the economic thralldom sought to be imposed on her by a neighbouring great power, to whom the possession of Salonika by the Greeks must have been equally distasteful. 'But for the malicious intervention of the Central European Powers the Serbians would, without question, be on the Adriatic to-day.' Two centuries ago the greater part of Serbia, with Belgrade, had for twenty-one years been incorporated with the dominions of the house of Habsburg. Joseph II had suggested to Catherine the Great that Belgrade should be part of his share in the grandiose scheme of settlement imagined by her. Napoleon, in sketching to Alexander I a plan for the partition of Turkey in Europe, adopted the suggestion made by the Habsburgs, before the battle of Friedland, that they should have Serbia. Appetite of this sort is wont to be persistent. Foiled by Vienna of the desired expansion towards the Adriatic, Serbia demanded a redivision of the conquered Ottoman lands previously agreed upon with Bulgaria. Bulgaria flew to arms, was defeated by a combination between Serbia and Greece, and the hope of an equitable and satisfactory partition of the peninsula was destroyed at the peace of Bucharest, when Rumania, which had not contributed to the victory over the Turk, took advantage of the weakness of Bulgaria to extort a cession of territory not justified on ethnographic or on any other grounds.

As Mr. Marriott admirably puts it, 'the primary and most essential factor in the problem [presented by the Eastern Question] is the presence, embedded in the living flesh of Europe, of an alien substance', and until it is extracted there can be no permanent peace in Europe. There are two ways in which the conquest and acquisition of territory can be vindicated, either by conferring on a subjugated race a higher social condition, or by developing the natural resources of a region that has hitherto lain waste. The Turks have accomplished neither of these things. They have been 'merely an army of occupation in a conquered land', and must go, sooner or later.

Of the four phases into which the author divides the history of the

question, the second, beginning with the appearance of Russia on the scene in the reign of Peter the Great, is perhaps the most calculated to arrest the attention. Beginning with the conquest of Azov, it gradually develops by the annexation of the Crimea, the advance of the Russian frontier to the Dnieper by the treaty of Kutchuk-Kainardji in 1774, to the Dniester by that of Jassy in 1792, to the Pruth by that of Bucharest in 1812. Russia lost a portion of Bessarabia as one result of the Crimean war, but recovered it at Berlin in 1878.

The third phase began with the revolt of the Greeks in 1821, when the principle of nationalities, completely ignored at Vienna in 1815, emerged into prominence. It may be said to have been the ruling idea of international politics since the creation of the Hellenic kingdom in 1830. It brought about the unification of Rumania in 1861, the establishment of united Italy in 1870, the foundation of the modern German empire in 1871, the existence of Serbia and Bulgaria as independent sovereign states. Other tasks of a similar character lie yet before it. 'The principle of nationality', says Mr. Marriott, 'has defied definition and even analysis. Generally compounded of community of race, of language, of creed, of local contiguity, and historical tradition, it has not infrequently manifested itself in the absence or even the negation of many of these ingredients.' From this point of view, the resumption of Bessarabia by Russia in 1878 was, as Mr. Marriott points out, 'a gross blunder'. In all probability, no entire elimination of the causes of war can ever be secured until this principle finds its complete and universal operation.

One of the most illuminating chapters in this invaluable book is that entitled 'Physics and Politics', and future negotiators may take to heart the suggestion made at p. 33 that any settlement of Balkan affairs must originate from within. 'The treaties of London and Bucharest (May and August 1913) are a sufficient warning against the futility of European intervention in Balkan affairs. Even assuming complete disinterestedness and goodwill, the event is only too likely to defeat benevolent intentions; where, as at Bucharest, such an assumption is forbidden by notorious facts, intervention can only issue in disaster.'

The acute observations scattered over the pages of this work lend themselves to frequent quotation, but limitations of space forbid our indulging this inclination. We must be allowed, however, one from the preface: 'But my primary purpose has been to provide for those who are in any degree charged with the responsibility for the solution of a most complex political problem an adequate basis of historical knowledge. A knowledge of the past is not in itself sufficient to solve the problems of the present; but no solution is likely to be effective or enduring which is not based upon knowledge.' With this we cordially agree. Besides knowledge of the past history of a question, the other indispensable factor is the knowledge of men and how to deal with them; not such 'amateur' diplomacy (to quote Mr. Marriott once more) as that of the Emperor Nicholas when he visited England in 1844, which led to fatal misunderstandings. Not even the innate genius of the Union of Democratic Control, without diligently acquired knowledge and practical experience of the art, will lead to a successful issue.

ERNEST SATOW.

*The Casting-Counter and the Counting-Board.* By FRANCIS PIERREPONT BARNARD, M.A., F.S.A. (Oxford: Clarendon Press, 1916.)

THE twin subjects of this treatise cover a field of research which has not been explored by British archaeologists since Thomas Snelling wrote his small pamphlet in the eighteenth century. It may be said at the outset that Mr. Barnard has made excellent use, within certain self-imposed limits, of the opportunity to present an historical survey of the appliances necessary for reckoning by a system of ocular or manual arithmetic. The book is divided into three sections dealing in turn with casting-counters, the counting-boards and cloths, and the methods by which the calculations were performed. Undoubtedly the use of roman numerals on the Continent and in this country was responsible for the vogue of the reckoning-board, which maintained its popularity until the introduction of the more convenient arabic numerals caused it to be superseded by the pen. In his preface the author rightly enters a *caveat* against the term 'abbey-piece' when applied to counters as a class, and prefers to employ the more comprehensive word 'jetton' when describing these handmaids of medieval arithmetic. It appears that France especially was the home of the jetton when it developed from a plain disk into the semblance of a medal or a coin. Such pieces are known to have been struck in the thirteenth century, but the earliest example bearing a contemporary date seems to be a Valenciennes jetton of 1468. Mr. Barnard traces the evolution of the jetton from its primary utilitarian purpose to the medallic type of counter, a less costly form of the medal, which commemorated reigning houses and historical events, and depicted an immense variety of subjects, religious, political, and personal, which could be recorded by means of the engraver's art. But the jetton, well designed and executed as it often was, did not reach the plane of the true medal; for one reason, among others, because it was always struck in low relief, thus enabling the manipulator to slide it with ease across the surface of the board. (Perhaps the most interesting jettons are those which exhibit a representation of a counting-board, and the less uncommon series which bears an inscription explaining the purpose of the counter and exhorting the owner to cast discreetly, such as, *gettez contez bien et loialement*. When the jetton imitated too closely the coin-types of the day it was apt to be turned to fraudulent uses, thus giving rise to the adage *faux comme un jeton*; occasionally counters of such a nature bore warning inscriptions, as, for instance, *Je ne sui pas d'argent*, to denote that they did not belong to the State currency.

Owing to the fact that continental jettons were first used by royal households, government offices, and public bodies, they were struck officially at the royal mints, notably at the Louvre mint in Paris, and in this respect there was a distinction between French and English practice. The comparatively few counters which were made in this country appear to have been entirely private ventures, although the dies in some cases may have been prepared by an engraver at the mint. We know only one instance in which an English mint account may be said to refer to jettons for casting, and that is at the best a doubtful instance. It occurs in 1548-9, a likely period, among the records of the Tudor mint at Bristol,

where a parcel of silver pieces, weighing 43 lb. and 'coined with the print of angels', was found during the investigation which followed Sharrington's misdeeds. It is not, however, inconceivable that these silver 'angels' were struck as touch-pieces.

The 700 jettons illustrated in 38 admirable plates are chosen from a much larger number in the cabinet of the author, who describes them under the headings of France, Germany, the Low Countries, England, Italy, and Portugal, to name the countries according to the number of examples mentioned. And this part of the book is not a mere list for collectors. It has been written with infinite pains, annotated and provided with cross-references for the use of students. That our ancestors used the counters to a large extent is attested by the fact that nearly all the varieties were found in England, but it is not at all improbable that some of them were brought here as medals and not for arithmetical purposes. We know, of course, that one of the most common numismatic objects found in our soil is the Nuremburg jetton of latten brass with which Europe was deluged in the sixteenth century.

The author gives us a list of nearly sixty specimens attributed to the Anglo-Gallic period. These are of primitive types, bearing a strong family resemblance to the sterlings coined by our Plantagenet kings, and it is suggested with much probability that these jettons were struck at the Anglo-Gallic mints in France, and subsequently at Tournay only. Then, as we read, came the chance of the Nuremburg makers, who are believed to have supplied the English needs for a century and more with counters much inferior in style to the French productions. During the Tudor and Stuart periods it is manifest that there was a very limited output of jettons which could be broadly described as English, either by reason of their place of origin or because they portrayed English history. The number of such items being so small, it is all the more to be regretted that Mr. Barnard has of set purpose refrained from discussing and illustrating the 'undoubted casting-counters', silver and latten, which are to be found in the *Medallic Illustrations of British History*. When the time comes for a second edition we hope that the author will extend his boundaries in the direction indicated. It is not possible to say definitely when manual arithmetic ceased to be practised in England, but there is presumptive evidence that the system was moribund in 1699, when the latest edition of Robert Recorde's *Ground of Artes* omitted the chapter which explained it. Consequently it is a moot point whether English jettons struck after the middle of the seventeenth century should not be regarded as gaming counters, although some merchants of the old school may have used the boards in their counting-houses until the days of Queen Anne.

The section dealing with the counting-boards, and counting-cloths to be placed on an ordinary table, tells us that these articles are now of great rarity. Not one English specimen was known to the author, and only seven in all on the Continent. Five of them are reproduced in the plates, together with a drawing of a fourteenth-century English chequer, another form of the reckoning-board. In this connexion we recall a probable instance of a chequer table which occurs on an Issue Roll of 1356,

where 'a table . . . bordered with small pieces of divers colours inlaid' is mentioned among mint appliances, and another in a Dublin schedule of Elizabethan date, which includes a 'telling board with green cloth'.

The concluding section of the book describes the methods of casting as expounded by ten representative writers in the sixteenth century, each system being explained by diagrams in the text, which enable the reader easily to follow the calculations. Two English authorities are among those chosen, one of whom was Robert Recorde, who published in 1542 the first edition of his *Ground of Artes Teaching the worke and practise of Arithmetike*. We think that we can identify him with the versatile doctor of physic who was appointed by Edward VI to be controller of the mints at Durham House and Bristol and surveyor of the mint at Dublin, on the ground of his expert knowledge of metals. It is a matter of speculation whether he then devised or ordered any jettons for practising his system.

It remains to mention the reproductions of early woodcuts in which traders are seen working out their sums with board and counters.

HENRY SYMONDS.

*Calendar of State Papers, Foreign Series, of the Reign of Elizabeth, preserved in the Public Record Office.* Vol. XIX, August 1584–August 1585.

Edited by SOPHIE CRAWFORD LOMAS, F.R.Hist.S. (London: His Majesty's Stationery Office, 1916.)

THE principal contents of this volume, as of its predecessor, concern the affairs of the Netherlands and England's interest and intervention therein. The death of Anjou had removed the screen behind which Elizabeth and, to a smaller degree, Henry III of France had concealed their hostilities against Philip II; and the assassination of William of Orange made it appear more probable than ever that Philip would be successful in the Netherlands and then carry the war into England and France. On pp. 95–9 therefore we have a series of documents dated 10 October 1584, reporting the results of a conference of Elizabeth's ministers to determine whether 'the great perils and dangers to her Majesty and her realm if the King of Spain should recover Holland and Zealand' outweighed the 'many difficulties' involved in 'the succouring of them by her Majesty'. These documents include an unusually explicit report of the conference by Burghley stating that 'in the end it was concluded to advise her Majesty' that 'it was better for her Majesty to enter into a war now, whilst she can do it outside her realm and have the help of the people of Holland and their parties, and before the King of Spain has consummated his conquests in those countries'. Flushing, Middelburg, and the Brill were to be demanded as guarantees for the queen's expenses; 'a good peace' was to be procured 'even if it should be chargeable' with the king of Scots; the archbishop of Cologne and Duke Casimir were to be assisted; Henry III was to be dissuaded from victualling the Spaniards; Henry of Navarre and Don Antonio were to be used as thorns in Philip's side; and a parliament was to be held to vote supplies. Parliament met on 23 November, the latest of the dates suggested by Burghley; but although it sat, with an adjournment over Christmas, until 29 March, three months longer than Burghley contemplated, it is not until 2 June

(p. 521) that we have Burghley's notes to the effect that the matter should 'be broken to Parliament' by the lord-chancellor (Bromley) 'in the Higher House' and by Mr. Vice-Chamberlain (Hatton) in the Lower. Parliament had then been prorogued; it was dissolved on 15 September, and the intervention in the Netherlands was a *fait accompli* long before the meeting of the new parliament, which assembled in October 1586, to deal with Mary, queen of Scots.

The interval between October 1584 and June 1585 had been spent first of all in ascertaining the result of the Dutch appeal for assistance to Henry III, which if successful would have been regarded by Elizabeth as releasing her from the necessity of immediate overt action. But any intentions Henry III and Catherine de Medicis may have had of taking up Anjou's lost cause were neutralized by the Guises and the catholic league. The Dutch envoys returned empty-handed, and further time was spent in haggling over Elizabeth's terms. The delay enabled Parma to besiege and capture Antwerp, in spite of the city's 'invention to make a kind of bread which shall nourish as well as if of corn' (p. 272). The responsibility was, of course, attributed to the delay of English reinforcements, and the English were also accused of victualling Parma's troops. But the principal cause was the incurable lack of unity among the various Dutch authorities.

France was equally distracted, and Stafford's dispatches continue to provide first-rate material for the history of Henry III's shifty policy, though they cannot make clear intentions which were never formed or consistently pursued. An incidental element of interest consists in the diplomatic activity of Richard Hakluyt, who was chaplain to the embassy at Paris; but the fame of the 'Principall Navigations' has obscured other aspects of its author's career. From the constitutional point of view Stafford's discrimination between Henry III's 'counsellors' *nomine et forma* and his 'counsellors' *a secretis* (p. 308) is of some importance. There is a good deal of (Sir) Thomas Bodley's correspondence from Denmark, Hamburg, and Brunswick; Herbert describes his mission to Poland; and Bowes has bitter complaints of his treatment as ambassador in Russia. We may note, as indicating the antiquity of modern problems of war and politics, (Sir) Roger Williams's remark on sea-power: 'when we are masters of the seas, what army can hurt us, what treasure can we want to maintain wars?' (p. 687); and the opinion of the Hanse Commissioners (p. 695) that 'all burdensome charges will fall in the long run on those who consume the wares'; while students of vernacular language may be interested to find in 1585 the Germans called 'mofes' (p. 480); the word was Dutch, and passed into English literature by 1590. On p. 613 Lobetius quotes *L'homme propose, mais Dieu dispose* as an 'old proverb'.

Mrs. Lomas's editorial work is always done with care, and she provides some useful though rather disturbing corrections of the Calendar of Hatfield MSS., e. g. on p. 184. There are, however, some slips or misprints in the Latin quotations: on p. 6 *ab ex* should be *ab ea*, and on p. 613 *orte* should be *orbe* and *hostis, hortis*. On p. 99 'Martensfeld' should be 'Markensfeld', and on p. xxxii the interpolation of 'in 1573' after the reference to Coligny is clearly wrong, since Coligny was assassinated in 1572; I think the reference is to 1569.

A. F. POLLARD.

*Reizen in Zuid Afrika in de Hollandse Tijd.* Uitgegeven door Dr. E. C. GODÉE MOLSBERGEN. 2 vols. (The Hague: Nijhoff, 1916.)

THESE two volumes are published by the Linschoten-Vereeniging, a society for publishing rare or unpublished books of Dutch travel, and contain a number of accounts of expeditions from the Cape into the unknown northern interior from 1652 to 1806. Those in the first volume, which goes down to 1686, naturally do not extend very far afield, for despite the anxiety of the administration to open up what it was supposed might be a profitable intercourse with the interior, the difficulties were found to be very great. In 1685-6, however, Simon van der Stel penetrated as far north as the Koperberg in Namaqualand, and a full diary of the journey is given. In the second volume the ground covered is of course much more extensive. Van Reenen (1793) explores part of what was later German South-West Africa, and Van de Graaf's party visit Bechuanaland (1805). But most of the accounts deal with the exploration of the western part of the Cape Colony.

The documents published in these volumes are of great value for South African history. This is so obviously so as regards the persons actually concerned that it is hardly necessary to insist on the point, but it may be added that the information is often given in very great detail; e.g. in 1661 van Meerhoff gives the names and in most cases the origins of all the white men in the expedition. Perhaps the greatest value lies in the accounts given of the conditions and customs of native tribes which have now ceased to exist. The documents are full of these. Among them is a curious report furnished to the governor, van Plettenberg, in 1779 by Wikar, a Swedish deserter, who had lived among the natives. This report gives the most elaborate descriptions of their social, especially their sexual, conditions, their methods of hunting, and so forth, and should be of considerable value to anthropologists, if the man was a trustworthy observer. In this connexion it may be noted that the first volume contains early Hottentot vocabularies. But the attention of the early explorers was, it is needless to say, not entirely taken up by the natives. The country itself and the animals in it claimed much of their attention. The volumes are illustrated by reproductions of maps and of pictures in the Gordon collection—Gordon, it should be said, was a Dutch officer who named the Orange river, and whose own name is preserved in Gordonia. Among the pictures is one by Gordon of giraffe-hunting near the Orange river, to which he appends the following note: 'Here I had the most beautiful and singular sight in all my travels, seeing at once in a half circle twelve giraffes, fifty elephants, 5 rhinoceroses; a troop of 20 ostriches, a troop of 13 koodoos, and a great troop of zebras, and seeing the hippopotamuses swimming in the river below and playing together.' All the pictures are of considerable interest, though it cannot be said that they are of great artistic merit.

The book is admirably got up, and has been edited with pious care. It is a worthy monument to the stout old Dutch explorers, whose reports it has rescued from the dust of The Hague archives. H. LAMBERT.

*Breaches of Anglo-American Treaties.* By Major J. BIGELOW. (New York: Sturgis & Walton Co., 1917.)

IN an unfortunate hour Major J. Bigelow came across articles in English newspapers, making general accusations against the conduct of the United States in its external relations; and the result is a counterblast, wherein, in spite of an assumption of impartiality, the author repays British critics in their own coin. It will show the temper of the book to note that Major Bigelow adopts as his own the jaundiced judgement of Franklin:

With regard to the British Court, we should, I think, be constantly upon our guard and impress strongly upon our minds that, though it has made peace with us, it is not in truth reconciled either to us, or to its loss of us, but still flatters itself with hopes that some change in the affairs of Europe, or some disunion among ourselves, may afford them an opportunity of recovering their dominion.

It was from this motive, as Major Bigelow believes, that the delay occurred in surrendering the Western Posts, due to the United States under the Treaty. That there was great reluctance to abandon these Posts cannot, honestly, be denied; but the reason for such reluctance was very different from that given by Major Bigelow. The Indians during the war had been treated by the British authorities as independent allies, with independent rights to their hunting-grounds. When, therefore, Great Britain came to terms with the Americans, which made no mention of the Indians, a situation of some difficulty arose for the British authorities, who saw in the retention of these Posts a means of helping the Indians, through migration and otherwise, to adapt themselves to the new conditions. Moreover, the fur trade was, at the time, the main Canadian industry, and it was hoped by means of new arrangements to counteract the loss that might result from the acquisition by the Americans of the hinterland of the United States. In this state of things the British Government were no doubt very ready to avail themselves of the excuse given by the States, through the non-fulfilment of other clauses in the Treaty, to retain the Western Posts. But so much may be admitted without recognizing the truth of the main count in Major Bigelow's indictment. Again, we are told that 'His majesty's Government violated the "inviolable and universal peace", mocked and converted into hatred the "true and sincere friendship" of these professions' (of the Jay Treaty), 'by their outrageous treatment of American seamen'. Inasmuch, however, as the Treaty of Ghent, 1815, was silent as to the alleged violation by Great Britain of the principles of international law, it is a little premature to prejudice the question at issue in this confident manner.

The main bulk of the volume deals with the Clayton-Bulwer treaty; and here, if we understand the argument aright, the point is that the simple, guileless American statesmen were cajoled into making an unprofitable bargain by the astute and cunning Henry Bulwer, who is represented as having started his diplomatic career by managing 'on his way to his post to carry away with him in a few days from 30 to 40 thousand dollars won at play'. Major Bigelow is exercised because Great Britain, having undertaken, under the Clayton-Bulwer treaty, not to assume or

exercise any dominion over the Mosquito coast, yet continued its protectorate over the Mosquito Indians; but the definition of a British protectorate, according to Sir H. Jenkyns, is 'a country which is not within the British dominions', so that, apart from the admissions of American statesmen, there does not seem much force in this criticism, which indeed is not very seriously pressed. With regard to British Honduras it is enough to cite the words of Clayton (July 4, 1850):

The language of Article I . . . was neither understood by them [the British Government] nor by either of us the negotiators to include the British settlements in Honduras (commonly called British Honduras, as distinct from the State of Honduras), nor the small islands in the neighbourhood of that settlement, which are known as its dependencies. To this settlement and these islands the treaty as negotiated was not intended to apply. The title to them it is now and has been my intention throughout the whole negotiation, to leave as the treaty leaves it, without denying, affirming or in any way meddling with the same, just as it stood previously.

This admission is sufficient, even if, as Major Bigelow contends, on apparently good authority, Bulwer caused to be inserted in the correspondence a bogus letter from him, of 4 July, endeavouring to bind Clayton down to a more definite admission of the *de jure* character of British Honduras. The final conclusion reached by Major Bigelow is that 'the motive in negotiating the treaty was simply to remove the obstruction and danger to the canal caused by British encroachments and pretensions in Central America'.

Turning to the treaty of Washington, Major Bigelow is aggrieved because the 'indirect' claims were not considered by the Geneva tribunal. 'Its failure to arbitrate the indirect claims was due to political interference from both sides; to violation of the treaty by both the contending parties.' Compare with this the language of the arbitrators: they declared without intending 'to express or imply any opinion' upon the point of difference 'as to the interpretation or effect of the treaty' they had 'arrived individually and collectively' at the conclusion that the indirect claims 'do not constitute upon the principles of international law applicable to such cases good foundation for an award of compensation or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two Governments as to the competency of the Tribunal to decide thereon'.<sup>1</sup>

Major Bigelow's final method of computing the respective merits of the two countries as maintainers of treaty obligations has certainly the merit of originality. He adds up the sums paid by the United States and Great Britain under arbitration awards and, finding that the former amounted to about 5½ million dollars, the latter to over 28½ million, he concludes 'that the United States has more than a safe balance of good faith to its credit'.

We have ventured to sound a note of protest against the tone and temper of this volume, which doubtless contains much valuable matter, but we should equally regret railing accusations on behalf of British claims. One can only hope that a major, even though retired, is finding now more useful scope for his energies than in fanning the flames of wellnigh extinct controversies.

H. E. EGERTON.

<sup>1</sup> Moore's *International Arbitrations*, vol. i, p. 646.

*Cahiers de Doléances des Corporations de la Ville d'Angers et des Paroisses de la Sénéchaussée Particulière d'Angers pour les États Généraux de 1789.*  
 Publiés par A. LE MOY. Tome II. (Angers : Burdin, 1916.)  
*Les Vicissitudes du Domaine Congéable en Basse-Bretagne à l'Époque de la Révolution : Documents publiés par LÉON DUBREUIL. 2 vols.*  
 (Rennes : Oberthur, 1915.)

THE second volume of the collected cahiers of Angers and the Sénéchaussée of Angers, edited by Dr. A. Le Moy, contains the full cahiers of a large number of parishes, carefully classified according to the various models upon which they were based, and each preceded by much information as to the population, taxation, and precise state of cultivation in each parish at the time. The general tone of the cahiers, even where they are not founded on stock forms circulated by what the editor calls the *bourgeois* party, is hostile to all privilege as being 'repugnant to liberty and the public good'. Protests against feudal rights of chase, against the necessity of grinding corn in the lord's mill, against the gabelle, the wine, cider, and tobacco taxes, claims for law reform, for standard weights and measures, for the free passage of goods, and for regular meetings of the states general, are universal. Most parishes urge the abolition of seigneurial jurisdiction and of the pretensions of the seigneurs to property in trees growing along the highways. The one distinctive quality of the reform spirit in Anjou in 1789 was its exaltation of country life. Even the cahiers inspired by the reactionary Walsh de Serrant joined in the longing to liberate agriculture from disabilities, and argued that the towns were entitled to but one-fifth of the representation of the third estate, and that their tariff powers injured the community. In France everything depended on the land, and there was pressing need to provide the peasantry with schools, with expert doctors, midwives, and veterinary surgeons. State-provided schools were vital; 'we want citizens, not merely men.' The farmer should not bear the heaviest taxation; he was 'the most useful and least considered' of French subjects. On church questions public opinion was critical, but not unsympathetic. The cahiers insisted that an incumbent ought to meet the charge of his own dilapidations in his lifetime, in order to avoid the otherwise general burden on his relatives. The clerk ought to be left out of the law of succession. His education had normally more than absorbed his fair share of family goods, and the church provided for him. There was too much wealth in high places, and too little discipline among the curés. Bishops and senior curés should be given greater authority. This collection illustrates local aspirations as well as the general current of French political thought in 1789. Sentiments such as 'Taxation is not a debt owing by the people to their governors, but a voluntary contribution by society', were no doubt meaningless to the illiterate mass, whose views they purported to express, but it is the small minority which always does a nation's thinking.

Dr. Dubreuil's volumes of previously unpublished documents are well annotated and indexed, and are preceded by a good map. Their object is to bring into clear relief the character and history of the *domaine congéable*, the chief land tenure of Brittany in 1789 and still preserved in name.

This was a form of double ownership, the tenant occupying for a term of six or nine years and enjoying absolute proprietorship over all buildings on the soil. In practice, however, the tenure was wholly unfavourable to the tenant. He was bound to his holding, as, according to the custom most generally prevalent, he lost without compensation his rights over buildings when quitting the plot; he could only alter or add to existing structures with the landlord's consent; his interest in timber was limited to fruit trees; he was subject to an infinite variety of feudal incidents. The documents printed in this work are largely cahiers, petitions, and memoirs put forward in order either to abolish or to preserve the tenure, which was naturally jeopardized by the Revolution. The argument was partly economic, but more often it turned on the legal issue whether *domaine congéable* was of feudal or contractual origin. If feudal, it was already doomed. The tenants' case rested on this plea, and painted their condition as 'a sort of slavery', intolerable 'in the age of freedom when lands are to be as free as persons', and still stamped by the curse of barbarism 'in the century of philosophy and liberty'. The landlords fell back, as they always fall back, on the sanctity of property and contract, and disclaimed whatever incidents savoured unequivocally of feudalism. The ultimate decision of the government was to keep the system, but to rid it of all its feudal attributes, and to allow to the occupier full compensation for his surface rights even when voluntarily leaving his holding. This compromise was practically effected as early as August 1791, but the struggle continued unabated for many years later. Probably the whole *domaine* would have been enfranchised into peasant freeholds but for three facts. First, the state had acquired a great number of proprietorships in consequence of the sequestration of clerical and emigrés' property, and had thus a strong interest in resisting their abolition. Secondly, it was thought good policy to attract wavering royalists to the new order by conciliating them. Thirdly, the victorious bourgeois feeling in France saw in the suggested root and branch reform more than a touch of jacobinism.

The historian may find this long legal wrangle of less interest than the wonderfully detailed description of life in Brittany which the documents themselves afford. Their light upon society under the customs of Cornouailles and Tréguier, Rohan, and Brouerec, illuminates the social background of the French Revolution. Usages which gave the youngest son the whole inheritance, which exacted endless *corvées*; which made the vassal store his corn only in the seigneur's granary and abstain from putting a tile or slate to his roof, from adding a window to his house or barn, and from even digging a ditch without the lord's consent; which made the seigneur succeed to his tenant's estate in most cases in default of heirs of the body or collaterals other than brother and sister, but in some cases in default of heirs male only; which prevented all sales, mortgages, and partitions of holdings by the tenant, were truly indicative of the wrongs that led to the downfall of the old order in France.

GERALD B. HURST.

*The Cambridge History of English Literature.* Vols. XIII, XIV. Edited by Sir A. W. WARD and A. R. WALLER. (Cambridge University Press, 1916.)

THE editors are to be sincerely congratulated on the completion of their laborious task; the first volumes appeared in 1908, and successive instalments have appeared with exemplary regularity. Those who know the difficulties which those responsible for works by many different hands have to encounter, and the many accidents which will occur to delay their progress, can estimate the industry and the skill which such success demands.

Most of the articles these two volumes contain lie outside the sphere of this Review. Some, however, such as the article on education and that on the growth of journalism, are valuable contributions to social history, and will be of service to political historians who may undertake to trace the development of Great Britain during the nineteenth century. The articles which deal with the development of historical writing claim more detailed notice here. Carlyle is the subject of a special article by Professor J. G. Robertson. There is an adequate reason for this separate treatment. As the author points out, Carlyle must be regarded as 'a moral force' or 'a political preacher' rather than a pure historian. To him 'history was not merely a record of how things had been, but also a writing on the wall for the benefit of the historian's contemporaries'. Starting from this point of view, Mr. Robertson treats in too cursory and perfunctory a fashion the question of the historical value of Carlyle's historical works, nor does the bibliography supply this lacuna. The best critical estimate of his *French Revolution* is the preface contributed by M. A. Aulard to the new edition of the translation of that book published in 1912, which is reprinted in vol. vii of M. Aulard's *Études sur la Révolution Française*. Similarly, the list of editions of Carlyle's *Cromwell* does not mention the critical edition published by Mrs. S. C. Lomas in 1904, the only edition in which Carlyle's historical errors are corrected, and his arbitrary methods of dealing with historical documents are shown. The critical estimate of Carlyle's *Frederick the Great*, given in Mr. Gooch's *History and Historians in the Nineteenth Century*, might have been referred to with advantage in a foot-note.

The chapter on 'Historians, Biographers, and Political Orators', by the Master of Peterhouse (xiv. 50-137), contains, as might be expected, juster estimates of the relative value of the historical works mentioned. The question of arrangement was the great difficulty; in part of the chapter the writers are treated chronologically, but later the period or subject dealt with in their writings determines the order. The result is that the reader does not get a clear view of 'the advance and expansion of the study of the national past', especially as writers on ancient history and early ecclesiastical history are eliminated and treated separately in an earlier volume (vol. xii, chapter xiv). Further, in any general survey of the progress of historical studies in England during the nineteenth century there are two facts which ought to be clearly stated and adequately emphasized, viz. the opening of the national archives to historians and

the revival of the study of history in the universities. They are suggested and referred to, but not given sufficient importance. Passing to individual writers, there is a passage in which some injustice is done to Bishop Stubbs. Observing that inevitably conceptions of English constitutional history which commended themselves to Stubbs have changed or have vanished since he wrote, the Master of Peterhouse goes on to say: 'The mark theory, the stand-by of the older Germanistic school, has been so greatly modified as to have been in a large measure abandoned, and according to its actual meaning, Magna Carta is no longer held by trained historians to secure the right of trial by jury to every Englishman' (xiv. 74). However, it is certainly not correct to represent Stubbs as adopting either of these theories, though it might be said with more approach to truth of Freeman and Green. Another slip is the statement that *Registrum Sacrum Anglicanum* appeared in the Rolls series, and the editions of Hoveden and Ralph de Diceto should certainly have been mentioned. A complete list of the bishop's contributions to the Rolls series should have been given in the bibliography. Two other slips are the description of Gardiner as Froude's 'Oxford successor' (xiv. 86) and that of Dean Stephens as Freeman's son-in-law (xiv. 71, n. 2).

The Croker Papers cannot properly be included in the section devoted to memoirs; either a number of other collections of documents should be mentioned too, or the whole class of such publications should have been omitted. A few lines on Lord Holland's *Memoirs of the Whig Party* would have better preceded the paragraph on Creevey. Other instances might be noted in which the selection of one writer rather than another seems difficult to explain, but carping criticism of details is an ungrateful task, where in the main there is agreement.

L.

## *Short Notices*

A USEFUL piece of historical criticism has been published by the University of Missouri (*Studies, Social Science Series*, iii. 1. Columbia, Missouri, 1916). It is entitled *Assyrian Historiography: A Source Study*, and is the work of Mr. A. T. E. Olmstead. The monograph is a pretty careful inquiry into the character of the Assyrian historical inscriptions and, where comparisons can be made, their relative value. From time to time it had been pointed out in the past that even such contemporary and 'objective' records as the monuments, tablets, or bricks of the Ancient East contained their full share of errors, exaggerations, and contradictions; and that they stood in need of internal criticism no less than written documents dated, it may be, long after the events themselves. Mr. Olmstead's discussion is therefore of considerable interest to those who have to deal with different classes of evidence, or who have to contend with the occasional excessive enthusiasm of the exponent of archaeology *versus* literary sources. He shows that the exactness which characterizes the legal and business contracts does not extend to the historical inscriptions (pp. 7 f., 22, 41 f.). The deeds of generals are ascribed to their kings, and it can be seen how, for example, Ashur-bani-pal has taken over to himself the last two Egyptian campaigns of his father (pp. 7, 53 ff.). While numbers manifest a tendency to increase, scribes tend to condense and abbreviate earlier records, and in one case of a tablet of 430 lines the later annalist has utilized only one-twelfth (p. 41). There were various editions of annals (p. 50), and the later not only omit important facts, but are for the greater glory of the ruler. But unfortunately, in nearly every reign it has been the latest and worst edition which has regularly been taken by the modern historians as the basis for their studies (p. 6). For example, the famous black obelisk of Shalmaneser II is, according to Mr. Olmstead, about the least valuable source (pp. 26 ff.); while for the reign of Sargon, the discovery of new material makes fresh criticism of the data for his important period indispensable. Mr. Olmstead's conclusions, though drastic and disconcerting, will render good service in directing attention to questions which need a further and fuller inquiry. A strange feature in the monograph is the omission of hyphens in Assyrian proper names, e. g. Ashur bani apal (cf. also 'over rate', p. 16): whatever the reason, the effect is very ugly.

S. A. C.

We have before us three works by Dr. James Harvey Robinson—*Mediaeval and Modern Times*; *The Middle Period of European History*; *Outlines of Modern History*, Part II (New York: Ginn, 1916)—in the

third of which his name is associated with that of Mr. C. A. Beard. Dr. Robinson is indefatigable in producing books helpful to teachers and also to the general reader desirous of obtaining bird's-eye views of history. It is convenient to be able to refer to events of the most recent character, though it is a little surprising to read that before the Turkish revolution, in 1909, Abdul Hamid 'was *thought* to have aided, or at least to have sympathized with the reaction', and that in 1914 'Germany sought to "localize the conflict" between Austria and Serbia'. But the chief cause of disappointment to those who have appreciated, enjoyed, and recommended the well-chosen *Readings*, which Dr. Robinson has given us from contemporary literature, is that in his later publications illustrations are multiplied so as to reduce the kernel of history to a minimum. Some of the architectural sketches are admirable, but why give a Holy Family of Andrea del Sarto as specially characteristic of medieval art, and in a chapter on the Crusades barely allude to the Latin capture of Constantinople, and omit the enterprises of St. Louis as not relevant? The spice has crowded out the flour.

A. G.

The reprint by her friends of the late Miss Agnes M. Wergeland's scholarly monograph on *Slavery in Germanic Society during the Middle Ages* (University of Chicago Press, 1916) renders accessible in English much valuable material, mainly from Scandinavian sources, for the study of class relations in the second five centuries of the Christian era. The attempt made in Seebohm's *Tribal Custom in Anglo-Saxon Law* to elucidate the evolution of social distinctions within the ranks of the free, and to fill in the stages between the *twyhynde* or *leysing* and the *twelve-hynde* or *odalman*, is here supplemented by an attempt to indicate a succession of phases between unqualified slavery and the fully recognized freedman—the *aldius*, the *frjalsgjafi*, the *litus*, and the *leysing*. Further light would undoubtedly be cast on this difficult subject by a comparative use of the studies recently made in early Islamic society, where slaves and freedmen of many grades played an important part. Another reprint of Miss Wergeland's work, issued from the same press—*History of the Working Classes in France*—consists only of an exceptionally complete review of Levasseur's *Histoire des Classes Ouvrières*, but in the entire absence of any survey of French economic history in English it is to be warmly welcomed as affording an extremely readable introduction to the subject. It necessarily shares the defects of the original—e. g. it attempts hardly any account of the interaction of the rural population of France with the urban—but it succeeds, on the other hand, admirably in reflecting the positive merits of Levasseur's great survey.

G. U.

In Dr. Ernest Brehaut's partial translation of the *History of the Franks*, by Gregory, bishop of Tours (New York: Columbia University Press, 1916), which appears in the series entitled *Records of Civilization*, we have the first English translation of Gregory of Tours. On account of the length of Gregory's history, and the lack of interest which considerable portions would, in the translator's opinion, have for an English reader, only selections are translated, the omitted sections being given in a sum-

mary only. The system has obvious disadvantages, since in many places there are references to passages which are not given; and in the case of all translations of this kind one cannot but doubt if the reader ignorant of Latin, for whom they are supposed to have been made, really exists. The translation seems to have been on the whole well done: but at p. 1, l. 13, the bracketed words do not make the Latin grammatical, though with the reading of the Corbie MS. *dixi* all difficulty disappears; at p. 191, l. 23, 'Non ego quod peius est alium filium . . . habeo' is not 'It is too bad, but I have no other son', but 'Unfortunately I have no other son'; at p. 228, l. 27, 'Nec distetit diaconus noster nisi ad episcopatum eius de Porto rediret' is strangely rendered 'our deacon did not leave until Gregory returned from the port to become bishop', instead of 'our deacon did not leave without returning from Portus to be present at his accession to the bishopric'; and at p. 137, l. 13, 'when opened' is ungrammatical. Aetius is always written as 'Ætius' and Chlothar as 'Clothar' (the 'h' is not omitted in other similar names), and the town of Le Mans appears as 'Mans'. 'Brusch' for 'Krusch' (p. xv, n. 2) is no doubt a misprint, and so are probably 'Apollonaris' (p. xiii, l. 6) and 'Dumnoles' (p. 151, l. 2 from bottom). At p. 133, l. 12, there seems to be no justification for writing the letters 'uui' in Greek. In the note to p. 70, chap. 36, the reference to p. 177 is wrong. The index is very defective. I have only made a cursory examination, but have found at least four names, Vulthrogtha (p. 131), Gundulf (p. 158), Bodigisel, and Evantius (p. 229), which do not occur in it. An appendix contains selections from the *De Miraculis*.  
E. W. B.

*Studies in the History of English Church Endowments*, by the Rev. J. K. Floyer (London: Macmillan, 1917), deals with a subject that has been well worked, and in which the main facts are so well ascertained that they have become almost commonplaces. Mr. Floyer enters upon his theme as though he were engaged in a novel adventure, and indulges in guesses so wild that they would discredit him even in that case. He skips at random from century to century, assuming, for instance, that the income of Worcestershire benefices was distributed in the ninth century as it was, after the institution of vicarages, in the thirteenth century, and drawing strange inferences from the assumption. His erudition, which is considerable, fails to save him from error, for he will at all costs be original. It is needless to say that he has no guidance to offer in regard to a topic of which an English treatment is sadly needed—the new light which has been thrown on the origins of the parish and its endowments by such writers as Imbart de la Tour and Stutz.  
M.

The *Recueil des Actes de Louis IV Roi de France (936-954)*, published by M. Philippe Lauer under the direction of M. Maurice Prou (Paris: Klincksieck, 1914), contains a collection of fifty-three documents, of which thirteen are known only by references in later charters or in chronicles; and of the forty of which the text is preserved no more than seven are extant in originals. No statement can more strikingly illustrate the feebleness of the French monarchy in the time when it was over-

shadowed by powerful feudatories, above all by Duke Hugh the Great. One may compare this total of forty charters with the number approaching two hundred granted in the same period by the Anglo-Saxon Athelstan and his brothers, a large proportion of which are preserved in originals; and it may be doubted whether there was material enough in this scanty collection to supply a basis for an introduction of sixty-five pages. The treatment here is in fact very diffuse. There is a great deal of repetition, and many elementary points are explained and illustrated at unnecessary length. It was right to dwell upon the important place occupied by the 'interveners'—eloquent of the king's need of support—but there was no need to set out every instance in full. Moreover, in spite of its prolixity, the introduction is written on too narrow lines. M. Lauer seems to forget that documents are published not merely for the purpose of diplomatic study but also as materials for history. He abstains from any comparison with the Frankish formulae published by Zeumer, and is throughout too much inclined to limit himself to a recital of the terms of the documents without attempting to indicate their relations or to examine whether they present any features of individuality. But the general fact that Lewis IV's chancery was carried on under conditions of extreme difficulty and that from lack of means it was impossible to maintain any sort of standard of regularity is abundantly brought out. The remarks on palaeography are good, and there are eight plates of facsimiles. We must not omit to draw attention to the short preface, in which M. Prou pays a well-deserved tribute to the self-denying devotion with which the late M. Henry d'Arbois de Jubainville co-operated in the work of planning the publication of the diplomas of the French kings and to the value of his own contributions to the criticism of documents.

N.

In *Un Rôle Gascon de Lettres Closes expédiées par la Chancellerie du Prince Edouard (1254-5)* M. Bémont publishes as a reprint from the *Bulletin Philologique et Historique*, 1915 (Paris: Imprimerie Nationale, 1916), a valuable supplement to the edition of the Gascon Rolls of Henry III and Edward I, begun by the late Francisque Michel and completed by M. Bémont himself. Both editors had to suffer from the imperfect information supplied to them by the authorities of the Public Record Office. As regards Michel this has led to no worse result than the repetition, without a line of indication of the circumstances, in the recently published *Calendar of Patent Rolls, 1247-53*, of much matter previously printed by Michel in full. As regards M. Bémont, it has prevented his masterly edition of Edward's rolls having the completeness which it would have had, had our archives been more systematically arranged. It is very recently that it has been recognized that such categories as Patent Rolls, Close Rolls, Liberate Rolls, and Gascon Rolls gradually came into existence, and there is no reason for much complaint if official custodians, like lawyers, imagined that the technicalities familiar to them from later times existed much earlier than they actually did. However, the evil has now been remedied as regards the separate roll of letters close issued by Edward in Gascony for the thirty-ninth year of his father's reign, and we owe our

warmest thanks to M. Bémont for the care and skill with which he has put them together, and for the valuable introduction in which he indicates their chief points of interest. Conspicuous among them is the additional light thrown on the administrative machinery of the king's son. We learn, for instance, that his letters close were enrolled apart from his letters patent; that he had an exchequer of his own located at Bristol, whose heads were two receivers; that the transference of his seal from one keeper to another was duly recorded in his close roll, just as the changes of the keepers of his father's seal were, and that so early as 22 August 1255 Michael de Fiennes received this custody, a fact further interesting as showing how early the Ponthieu kinsfolk of Eleanor of Castile began to hold office in her husband's court. Two minor suggestions may be made. Ralph de Dunion was not, as suggested on p. 11, a keeper of the *royal* wardrobe, but of Edward's wardrobe. And it is perhaps more likely than not that the scribe who wrote 'ten.' on no. 13 was right, so that M. Bémont's amendment to 'reum' is unnecessary. There still remain inaccessible the patents of Edward for 38 Hen. III, and the non-Gascon patents for 44 Hen. III. May the hope be expressed that M. Bémont's reasonable request for their publication may in due time receive consideration?

T. F. T.

The first volume of *Privilegis i Ordinacions de les Valls Pirenenques*, edited by D. Ferran Valls Taberner (*Textes de Dret Català*. Barcelona: Impremta de la Casa de Caritat, 1915), is concerned with the Val d'Aran, the upper valley of the Garonne, whose capital is Viella, and which, though historically, geographically, and economically it is a portion of the county of Comminges, and was until the French Revolution part of the diocese of Saint-Bertrand de Comminges, has, since the thirteenth century, been a dependency of the kings of Aragon, as counts of Barcelona, and remains still a portion of the Spanish monarchy. It is part of the work of the patriotic renaissance of Catalan studies that the Provincial Deputation of Barcelona has issued the handsome and well-printed series of Catalan law texts, in which this volume is included. The documents are all in Latin, ranging in date from 1265 to the end of the middle ages; the introduction and notes are written in Catalan. Apart from their value for the history of an interesting and virtually independent valley, they afford excellent examples for the student of diplomatic of the advanced and characteristic methods of the chancery of the lords of Catalonia in the later middle ages. The edition is carefully prepared in sound scholarly fashion.

T. F. T.

The brief preface to the ninth volume of the *Calendar of Inquisitions post mortem preserved in the Public Record Office* (London: His Majesty's Stationery Office, 1916) explains that the limited number of years which it covers (21-25 Edward III) is due to the fearful mortality from the Black Death in 1349. Apart from the evidence supplied by these documents as to the mortality in the upper classes, they also forcibly illustrate the great depreciation in the revenue from land due to the ravages of the pestilence (*mortalitas*) among its cultivators. In the summer of 1349 we read already of a Somerset holding that 'the tenants of the manor are

dead through the pestilence' (no. 130). On a Sussex one 'there is no rent this year, because the tenants are all dead . . . and no one will rent their tenements or have anything to do with them' (no. 131). On a Yorkshire one 'twenty hovates etc. . . render nothing for want of tenants and because of the pestilence' (no. 132). In Basildon (Berks.), at the beginning of the year 1350, where 'there used to be 100s. rent of bondmen and cottars, all their tenements are in the lord's hands through the death of the tenants during this pestilence and the tenements are worth nothing, for almost all the people are dead this year, and all the said lands and tenements lie in common' (no. 202). At Kidlington (Oxon.), in the autumn of 1349, where 'there used to be 14 bondmen, six of them have died in the pestilence, and their lands are in the lord's hands and lie fallow and are worth nothing because they are in common' (no. 205). It will be seen what valuable and interesting evidence on the effects of the pestilence is here made available in a convenient form. Among the victims of the Black Death was that eminent man, Robert Bourghier, warrior and chancellor. As the date of his death is here discussed (nos. 239, 688), it may be well to mention that his grandson appointed the feast of St. Lawrence, Martyr (10 August), to be kept as his anniversary day. A few other points of interest may be noted. Collation of two Sussex proofs of age in 1352 (nos. 672, 673) reveals the most amazing concordance between the proofs vouchsafed on the two occasions, and thereby throws even graver doubt than has been felt hitherto on the trustworthiness of these documents. The mention of the earl of Pembroke's court, called 'Baronnesmot', which met monthly at Earls Barton and Huntingdon, should be observed. In nos. 295, 598 the style of 'John de Segrave, now lord of Segrave' seems noteworthy. Segrave is not indexed as a place, and if, as seems probable, this style should be rendered 'lord *de* Segrave', we have here a peer's style as early as 1349. It is strange to find (no. 239) Gilbert Mauduyt described as 'of Scotland, an enemy of the king and a rebel', for his forfeited lands here dealt with were in Essex, where his family had long held them. The standard attained in this volume is a very high one, and Mr. O'Reilly's index, specially, is a fine piece of work. There is one inquisition (no. 212), however, which seems to require revision. It relates to the Somerset manor of 'Corston', which is unidentified in the index, but is Corton Denham. The 'Thomas Apadam' named is indexed under 'Apadam', but his father John ap Adam (a well-known baron) under 'John'. Joan, the second wife of Thomas, was not (as indexed) a Basset but an Inge, and there seems to be something wrong in the text as to the John Inges named, who appear as one in the index.<sup>1</sup> That useful feature, the *Index rerum*, proves as interesting as usual, and forms a valuable key to the subjects of special interest in the volume.

J. H. RD.

The second and concluding volume of the *Stadsrekeningen van Leiden, 1390-1434*, edited by Mr. A. Meerkamp van Emden (Amsterdam: Müller, 1913), covers the last ten years of the period. The accounts,

<sup>1</sup> A John Inge held Corton in 1346 (*Feudal Aids*, iv. 342), and may be the one whom this inquisition shows as dying early in 1349. Another John had livery of Corton in July 1349. Corton had come to Ap Adam from Gournay.

which relate to only five of the ten years, are unique in their extent and detail. These were the years in which the feudalizing party of the 'Hooks' who supported Jacqueline's claim to Holland and Hainault were completely defeated, and the 'Codfish' party gained control of the Dutch cities in alliance with the house of Burgundy, whose economic policy tended to assume from that time onwards a mercantilist character. The Leyden accounts reveal unmistakably the heavy price which the urban economy paid for the support of the 'new monarchy'. Payments for interest on debt increased from £830 in 1426 to £940 in 1427 and £1,230 in 1434, whilst the yield of the excise, which was the main resource of revenue, fell from £1,720 in 1427 to £1,400 in 1434. It was the burden of this war taxation that led cloth-making centres like Leyden to demand the exclusion of English cloth.

G. U.

The latest volume of the *Calendar of Patent Rolls* dealing with the years 1494-1509 (London: H.M. Stationery Office, 1916) contains a great deal of valuable material for the biography and history of the period. Most of the details are of personal interest, like the denization of Wynkyn de Worde, who is called Winand and described as a native of Lorraine. But the personal details become matters of historical importance, as when we find Prigent Menou, the famous Breton seaman, acting as Henry VII's constable of Knockfergus, and other instances of Henry's employment as king of men whose acquaintance he had formed during his exile in Brittany. The references to a Richard Amerik, merchant of Bristol, suggest an English or Welsh, but, we are afraid, untenable derivation of America, Amerik being also given as A. Meryk and Ap Meryek. Perhaps this volume will prove most valuable for its contributions to the administrative history of the reign, when its details can be properly digested. We still find no reference to a privy council, and indeed little light on any organized council at all; but it is interesting to have a list of forty-one 'councillors' who sat in the Star Chamber to decide the case of the Merchant Adventurers *v.* the Staplers; and if we can call Henry's councillors his council, it numbered over fifty. That it had some organization is implied by the description (p. 471) of Edmund Dudley as president of the council in 1506. That seems to be a new fact in history and biography; it adds to the significance of Dudley's attainder in 1509, and it is also notable that the document which describes Dudley as president of the council also calls him 'esquire'. Wolsey occurs once (p. 544), where he is described as 'Thomas Wulcy, clerk . . . executor of the will of Richard Nanfan, knight . . . sheriff of Worcester and Cornwall'. The indexer gives the reference as 'Thomas Wuley [*sic*] sheriff of Worcester and Cornwall', although the entry on the patent roll had already been printed and indexed correctly by Gairdner in his *Letters, &c., of Henry VII*, ii. 380.

A. F. P.

Mr. Edgar Prestage extracts from the *Revista de Historia*, no. 20, his account of the embassy of João Gomez da Silva to Charles IX, founded on the dispatches hitherto unutilized, and prints those which relate to the massacre of St. Bartholomew (*La Embaixada de João Gomez da Silva*

ao Rei Carlos IX da França e a Matança de S. Bartholomeu. Porto : Empreza Litteraria e Typographica, 1917). The envoy was sent to France in 1571, the primary object being to renew negotiations for the marriage of D. Sebastian with the French king's sister, Margot. This alliance, long in the air, was thwarted at first by Philip II, but afterwards favoured by him, and earnestly pressed by Pius V. The project fell through, owing to Sebastian's dislike or unfitness for marriage. A more practical function of Gomez da Silva was the recurring protest against the brutal acts of piracy committed by privateers, mainly Huguenot, against Portuguese shipping and the colonies in Brazil and Guinea. At the time of the massacre he was particularly anxious as to the destination of a large fleet under Filippo Strozzi, which he feared might be Lisbon or Terceira. On this score the massacre came as a relief, for he was assured that the fleet was intended for the reduction of La Rochelle. Even apart from this, the ambassador was delighted at the destruction of the Huguenots, and warmly congratulated the French king and queen mother on their glorious blow for the Catholic cause. Naturally enough, the dispatches do not throw much new light upon the massacre and its causes, but one or two points may be mentioned. When Coligny was struck by the three pellets from the arquebus of Maulevrier, for whom the writer substitutes Captain Michael, he exclaimed, 'Bad arquebusier'. An account is given of a quarrel between the king and Condé, the latter reproaching Charles with the favour shown to the house of Guise at the expense of the Bourbons, and threatening him with vengeance for his massacred gentlemen, while the king, putting his hand to his sword, told him to be silent, foolish boy as he was, for he was king over him as over any petty gentleman, and would promote or abase any one as he pleased. When Charles finally put a stop to the massacres and more or less summary jurisdiction of the captains of the quarters, he ordered that all suspects should be brought before the governor of Paris, who was temporarily the duke of Alençon, during the absence of Montmorency. This may raise a question whether the old constable's eldest son, notoriously hostile to the Guises, may not have been purposely removed from the capital, of which he was governor, to facilitate the vengeance of his enemies. The ambassador is at a loss to determine whether the massacre was the result of memories of old wrongs or the fear of a fresh conspiracy. He could get little satisfaction from his interviews with the brusque young king, in a hurry for the hunt, but found the queen mother more talkative, 'her temperament in this respect being different from the French'.

E. A.

Many readers who have never attacked Raleigh's *magnum opus* will be glad to make acquaintance with the specimens of his style and thought presented to them in a handy and pleasant form in *Sir Walter Raleigh ; Selections from his 'Historie of the World', his Letters, &c.* (Oxford : Clarendon Press, 1917). Miss G. E. Hadow, the editor, in a well-written introduction gives a vivid picture of Raleigh's character and achievements. Fourteen extracts from the *Historie* follow, and six letters, including one—supposed to have been written after Raleigh had made

an attempt at suicide in the Tower on 18 July 1603—of which the genuineness has been questioned, probably without reason. The style is in some points different from that of other letters of Raleigh written in the expectation of death, but the list of his creditors—some with well-known Devonshire names—could only have been compiled by a very skilful forger. The extracts from the *Historie* show what Raleigh thought on many questions of military science and statesmanship—some of them analogous to questions before us to-day, such as Spain's aim at securing the hegemony of Europe, the contrast between the English and Spanish treatment of native races, the Spanish method of spreading false reports of victories in neutral countries, the best means of repelling an attempted invasion of England, the futility of trusting to a river or a mountain-range to stop an army, the method of dealing with ambassadors who plot against the country to which they are accredited. By help of these extracts and of the letters of Raleigh which are here printed, a strong light is thrown on the great and woefully requited man. His bitter resentment of his wrongs and their perpetrators, his abiding sorrow for the death of Prince Henry, his love for his wife and children stand in bold relief. Miss Hadow's notes are rather meagre. A short glossary of words used in obsolete senses would have been useful to the general reader or the young student: e.g. p. 67, composition, p. 94, to shoote *point blanck*, p. 99, *entertain*, p. 107, *impeach*, p. 125, *stemming*, p. 135, *pleurisie* (an interesting parallel to *Hamlet*, iv. vii. 118). But notes were also needed on 'the most vertuous king of our age' (p. 65), 'Machiavels counsel' (p. 73), 'the good advice of Cineas' (p. 109—the note on Cineas says nothing of his advice, for which see Plutarch's *Pyrrhus*, xx), and on various other things. Attention is not called to Raleigh's interesting use of 'Armado' of a ship, and 'Armada' of a fleet. Like others who have had books published by the Clarendon Press of late years, Miss Hadow has received great help from Mr. Percy Simpson, who has revised the text throughout, contributed a valuable section on the text in the introduction, and further supplied critical notes on the text, a facsimile letter and map. His assistance, as Miss Hadow acknowledges, amounts in this case to collaboration. It is needless to say that the book is beautifully produced. The word 'ingentes' is, however, misprinted on p. 102.

G. C. M. S.

*The Transactions of the Baptist Historical Society for 1916* (London: Baptist Union Publication Department) contain a good deal that is only of importance as cumulative evidence, but also much that is of general interest. Sir W. J. Collins has a good article on the relation between the Quakers and the General Baptists. John Smyth, the Se-Baptist, whose works have lately been edited by Dr. Whitley, had been under Mennonite influence and imbibed Mennonite ideas about war. Fox derived many of his thoughts and many of his converts from the General Baptists of Leicestershire, where his first congregation was drawn from them in 1648. Their rivals, the Particular Baptists, held very different views both about the doctrine of grace and military service, and the editor, in an interesting article on associations among the Baptists, points out that they often had a military origin. Speaking of the army which

passed over to Ireland in 1649, he says that in all the garrisons there were Baptists. 'These military Baptists had been accustomed to a strong inter-regimental organisation from 1647, and they naturally carried over their customs to an inter-congregational voluntary association.' There is a good account of a Star Chamber case in 1619, with valuable notes about procedure in that court. The best antiquarian article is one which traces the continuous life of congregations which have moved from the city of London, where they flourished in the seventeenth century, into the suburbs. The strength of the nonconformist interest in the earlier period is shown by the fact that five of the city companies allowed the use of their halls by Baptists. The more influential bodies, the Presbyterians and the Independents, received the favour still more often. We are far from having exhausted the interest of Dr. Whitley's publication. E. W. W.

In a small volume of about 200 pages on *The Navy of the Restoration from the Death of Cromwell to the Treaty of Breda; its Work, Growth, and Influence* (Cambridge: University Press, 1916), Mr. A. W. Tedder contrives to cover an important period of naval history and to contribute new information on a number of points. The sources of this new information are chiefly the Tanner, Carte, and Rawlinson MSS. in the Bodleian Library and the Pepys MSS. at Magdalene College, Cambridge; but an exhaustive list of manuscripts and printed sources is given in an appendix which naval historians will find very useful. The operations in the Mediterranean, 1661-4, the attack on the Dutch fleet at Bergen in August 1665, and the four days' battle in June 1666 are the three incidents on which most light is thrown, but there are many other points in which the received account of events is further elucidated. The preliminary chapter, which deals with the share of the navy in promoting the restoration of Charles II, is not very clear; Mr. Tedder unduly diminishes the importance of Monck's part in order to increase that of Montagu, and does not adequately appreciate Lawson's share. Lawson was a convinced republican, anxious to overthrow the usurped authority of the military leaders and restore the rule of the civil power as represented by parliament. In this he agreed with Monck, and they co-operated in December 1659. Montagu's influence did not begin till he was reappointed general at sea, on 23 February 1660, by which time Monck had not only overthrown the rule of the army but also put an end to the power of the Rump, so that the way for restoring Charles II was clear. There are some signs of haste in Mr. Tedder's book: it is rather incomplete, especially towards the end, and there are some errors of the press. For instance, on p. 43, Carteret is described as comptroller in 1659, meaning 1639, and on p. 49 there is a mention of 'instructions issued by Buckingham in 1640', which must be wrong. Captain 'Thomas Holland', named on p. 184, seems to be a confusion with Colonel Thomas Doleman, an English soldier in the Dutch service, who fought against his country under De Ruyter.<sup>1</sup> The author's absence on active service while his proofs were passing through the press supplies an adequate apology for these oversights.

C. H. F.

<sup>1</sup> See Ludlow's *Memoires*, ed. 1894, p. 200.

Mr. Herbert Ingram Priestley's *José de Gálvez, Visitor-General of New Spain* (Berkeley: California University Press, 1916), is an exhaustive study of the ablest Spanish minister of the Indies of the eighteenth century, and more particularly of his years of residence in New Spain, 1765-71. During that period Gálvez acquired an unequalled knowledge of its resources, and became famous for his adroit management of finance. He was no economic purist, as his organization of tobacco and cock-fighting monopolies, his encouragement of state lotteries, and his sale of non-judicial offices prove; but he was just the man required by the home government—an untiring winner of revenue. Though a strong ruler and the pioneer of Spanish sovereignty in California, his personality was not shining. The most characteristic story told of him by Mr. Priestley is of his gift to his native village on the Spanish coast, where he started life as a shepherd boy, of the monopoly of making playing-cards for America and the Philippines. He figures in this book rather as the embodiment of the old colonial policy, solicitous for the interests of Spanish manufactures and shipping, and keenly concerned in mining and other Mexican enterprises only so far as they contributed to the self-sufficiency of the Spanish dominions. New Spain was, roughly speaking, Mexico. Louisiana was governed from Havana, as Florida had been. Mr. Priestley's description of the Spanish colonial system under Charles III is admirably complete.

G. B. H.

The fourth volume of *Gedenkschriften van Gijsbert Jan van Hardenbroek (1747-87)*, edited for the Utrecht Historical Society by Dr. A. J. Van der Meulen (Amsterdam: Müller, 1915), is very similar to the earlier part, which was noticed in 1911 in volume xxvi of this Review, its value consisting not in new material but in the picture which it presents of the shifting opinions and feelings of the circle in which Hardenbroek moved. He was in the habit of recording elaborately the conversations of all important people whom he met, and his industry has produced a very detailed account. The present volume, which only covers from July 1782 to December 1783, consists of nearly 700 pages. Some days contain no entries, but others have elaborate accounts of several conversations; e.g. on 5 August 1782 there are three entries, one of which, recounting a conversation with the Prince of Orange, occupies nearly two pages. The editor has, after consideration, rejected the idea of attempting to abbreviate—no doubt rightly, for the value of this kind of record depends very largely on its continuity and completeness.

H. L.

The fourth volume of the *Recueil de Documents relatifs à la Convocation des États Généraux de 1789* (Paris: Imprimerie Nationale, 1915) was prepared by the late M. Armand Brette, whose work has been completed by M. A. Aulard. It deals with a mass of documents connected with the administrative, judicial, ecclesiastical, and military system of the *généralités* of Montauban, Auch, Bordeaux, La Rochelle, Poitiers, and Tours in 1789, summarizing many, and adding full lists of original and secondary authorities. Preliminary notes contain short surveys of local history, but there is no general introduction or index. The main value of the volume is its

indication of rich sources of information as to the customs, finance, trade, and personnel of many hundreds of towns and villages, of which Bordeaux (with a population of 120,000) was much the most important. Its light on the general stream of French history is far less vivid than that of other books in the same series that reprint the actual cahiers. It gives, however, several examples of the hostility of the curés to the nobles and higher clergy. Thus the bishops of Poitiers and Luçon are accused, in April 1789, of excluding the curés from sharing in the compilation of the cahier, which is, in consequence, 'without order, without energy, without style, without French'.

G. B. H.

The latest addition to Mr. Milford's excellent Indian library of reprints of scarce old books is the curious volume entitled *Observations on the Mussulmans of India* by Mrs. Meer Hassan Ali (London, 1917), which was published originally in 1832. Mr. William Crooke, an expert at work of the kind, has now rendered all necessary editorial services with knowledge and discretion. The book is unique and of permanent value as a record of the personal experiences of an English lady who married a Muhammadan gentleman and lived in a zenana happily for eleven or twelve years between 1817 and 1829. The author gives good descriptions of the inner life of a well-bred, pious Muslim family. The enthusiastic praise bestowed by her on her 'venerated' father-in-law, Meer Hadjee Shah, is pleasant reading.

V. A. S.

In *The Middle Group of American Historians* (New York: The Macmillan Co., 1917) Dr. J. S. Bassett gives interesting particulars with regard to Jared Sparkes and Peter Force in their efforts to collect material for a more scientific study of American history. One seems to be in another world when one hears of research work as being deliberately adopted with a view to making money. Not less surprising to modern notions is Sparkes's view that the text of letters, when quoted, should be altered in the interests of the dignity of history.

H. E. E.

Mr. Henry B. Rankin has enjoyed unusual opportunities for making a study of Abraham Lincoln's character during the most formative period of his life. There was a long-standing intimacy between his mother's family and the future President, which covers the latter's life at New Salem. From his mother's recollections the author derived much of the material for his account of Lincoln's love for Miss Ann Rutledge, and his statement of Lincoln's religious views is largely based upon a conversation in 1846 between his mother and Lincoln. For several years Mr. Rankin was a law student in the office of Lincoln and Herndon at Springfield, and was favoured with Lincoln's confidence and interest. The book is exactly what its author calls it—*Personal Recollections of Abraham Lincoln* (New York: Knickerbocker Press, 1916). Mr. J. F. Newton in the introduction describes it as 'a book of reminiscences, a series of musing memories and flash-light pictures, often discursive but always illuminating'. It represents Lincoln as a deep thinker, a man of strong religious feeling—the charge of infidelity brought against him for political motives is traced

to its strange and ridiculous origin—and endowed with an extraordinary gift of sympathy, which enabled him to be ‘all things to all men’ without cheapening himself. The recollections terminate with Lincoln’s departure to Washington in 1861, and his farewell address to his friends at Springfield is placed in its right perspective. An interesting chapter deals with the Cooper Institute speech delivered at New York on 27 February 1860, to which Lincoln practically owed his nomination as Republican candidate. Not the least merit of the book is its claim that justice should at last be done to the memory of the devoted wife to whom her husband owed much.

W. B. W.

The Boston Athenaeum has just issued a volume entitled *Confederate Literature* (1917) which gives a list of the books, Confederate and State publications, newspapers and other periodicals, tracts, broadsides, maps, music, and other matter printed in the South during the Confederacy and contained in its collection. The list is prepared by Mr. Charles N. Baxter and Mr. James N. Dearborn, and the volume has an introduction by Mr. James Ford Rhodes. The Athenaeum collection was made immediately after the ending of the war, at a time when Francis Parkman was one of the members of the library committee. To his energy in travelling at once in the South and purchasing much valuable material that might otherwise have been lost the collection owes the great value which it still possesses, though other similar collections have since been made and though part of the material has been reprinted in the *Official Records of the Union and Confederate Armies*. E. A. B.

*Andrew Johnson, Military Governor of Tennessee*, by Dr. Clifton R. Hall (Princeton: University Press, 1916), is a study of Johnson’s work from March 1862 to March 1865 in helping to preserve Tennessee from Confederate conquest—a danger which was only dispelled in December 1864—and in ‘reconstructing’ it on radically Federal lines. The work was done with great courage and tenacity, and won Lincoln’s approval. Personally, however, Johnson was a fanatic, and Dr. Hall’s judicious book gives a candid sketch of this descendant of ‘poor white’ stock, to whom negro wrongs were nothing and his own social resentments everything. ‘Reconstruction’ could hardly have been entrusted to a less generous mind.

G. B. H.

The Archdeacon of Northampton has issued a timely reprint, entitled *On Convocation* (London: Mowbray [1917]), of an important letter which Bishop Stubbs addressed to Archbishop Benson in 1887, and then printed for private circulation, on the subject of Joint Action of Convocations. It was written as a memorandum on the possibility of the constitution of a national synod of the church of England; here we can only call attention to the extremely precise analysis, arranged under six periods, of the different ways in which the clergy have been convoked for different purposes. The fullest materials are provided for the time between 1119 and 1532 (for which, so far as the convocation of Canterbury is concerned, a more detailed survey was given by the dean of Wells in the *Church Quarterly*

*Review* for October 1915) and for the period of the Reformation. The precedents for partial co-operation of the two provinces are minutely distinguished; but the bishop finds no example of 'complete joint session of English convocations'. In dealing with the time of the struggle of York against the supremacy of Canterbury, claimed by Archbishop Lanfranc on the basis of forged documents, the author's critical rigour is never at fault, except perhaps where he asserts that credit was given to the forgeries not only in England but also at Rome. O.

Sir Thomas Erskine May's *Treatise on the Law, Privileges, Proceedings, and Usage of Parliament* holds so established a position as the standard encyclopaedia of all that a member of either house need know about forms and procedure, that no words of ours are required to welcome the twelfth edition, which has appeared under the highly competent editorship of Mr. T. Lonsdale Webster (London: Butterworth, 1917). The original book was published so long ago as 1844, when we are told that with two exceptions the procedure of the Long Parliament remained essentially unaltered. Fifty years later, in the tenth edition, the book was subjected to a great deal of revision and was in part recast by the late Sir Reginald Palgrave. It is not surprising that the many changes in procedure and in everyday matters, not to speak of vital constitutional changes, which have been introduced in recent years, have made the present edition a very different book from those before it. Mr. Webster has enjoyed the assistance of expert advice from his colleagues on the staff of both houses of parliament, and his book is complete, lucid, and entirely free from the expression of personal opinion. But the very qualities which make it invaluable for practical use detract from its interest to the historical student. We could not reconstruct from it the procedure of the house of commons even thirty years ago; that is not the author's or editors' business. But there are constant quotations of old usages and precedents to which the historian will gladly have recourse. A good deal of pains has been taken to revise the account of parliamentary origins, which was at first written on the lines of Blackstone and Sharon Turner, of Hallam and Sir Francis Palgrave. But the revision cannot be said to be sufficient; even the fraudulent Ingulf has not been expelled, and the notable discovery of the writs for the first parliament of Edward I,<sup>1</sup> which involved an important modification in the accepted view of the constitutional development in that reign, are not mentioned. It would be well if this indispensable book were given a definite title: that which appears on the title-page is changed on the half-title into *Law and Usage of Parliament*, while on the back of the volume we read *Parliamentary Practice*. P.

Mr. F. J. E. Woodbridge's little book, entitled *The Purpose of History* (New York: Columbia University Press, 1916), consists of three lectures delivered in the Columbia University, entitled respectively, 'From History to Philosophy', 'The Pluralism of History', and 'The Continuity of History'. It does not set forth any teleological views.

There is discoverable in history no purpose, if we mean by purpose some future event towards which the whole creation moves, and which past and present events

<sup>1</sup> See *ante*, xxv. 231.

portend ; but there is purpose in history, if we mean that the past is used as material for the progressive realization, at least by man, of what we call spiritual ends.

He tries to distinguish between history as the whole course of human happenings and as the record of such happenings, but can hardly be said to have always avoided ambiguity. Thus what he calls the pluralism of history seems to resolve itself into the choice by the historian of his own point of view, and the divers interpretations that may be given of the same sequences of events. Like most metaphysical historians, he seems to undervalue the difficulty or else to disparage the effect of writing *true* history. He may help to clear up some people's minds in his distinction between evolution and continuity. So far as his aim is to bring historical knowledge to the help of the practical reformer, he may be found lacking in inspiration, though suggestive in incidental remarks. A. G.

It is creditable to the editor of the *Annual Register* for 1916 (London : Longmans, 1917) that he has succeeded in producing his yearly volume, and has in fact brought together a much larger amount of information than might have been expected. But his materials are necessarily incomplete, and with regard to certain countries are no less necessarily one-sided : the means for sifting the evidence are not yet available. Consequently, from the point of view of those who in time to come will use the book as a work of reference, we think that it would have been better if its publication had been deferred. In dealing with the great war there is a tendency to quote statements made on German authority and to omit the qualifications or contradictions of them which proceed from other sources. Sometimes the narrative is presented in a curiously hesitating way. Thus we are told that the intention of the attack on Verdun in February last year was to 'deal one deadly blow at the French line and break it'. For five days the Germans had 'considerable success', but they 'greatly exaggerated the importance of' Fort Douaumont, which they captured on the 25th. Next day their 'progress was stayed', and in April they 'found themselves held up by the second line of the French defence. The chief military significance of the operations around Verdun was certainly to be found in the casualties sustained. . . . Verdun accelerated the attrition of the German army.' There is no hint that the attack was a dead failure. We have to pass on to the section about Rumania to discover that there was a 'great German reverse before Verdun'. It was a 'disastrous plan': its commander received a 'blow to his reputation from which he could hardly expect to recover'. Statements like these need readjusting.

Q.

Two further parts (93 and 94) of the *Yorkshire Archaeological Journal* (Leeds, 1916) have been issued to its members by the Yorkshire Archaeological Society. The first does not contain any articles of more than local interest, but the second is made up of two papers which, though naturally confined to Yorkshire, are both important contributions to ecclesiology, namely an elaborate and well-illustrated article on roods, screens, and lofts in the East Riding by the acknowledged authority on the subject, Mr. Aymer Vallance, and a continuation of Sir Stephen

Glynne's notes on Yorkshire churches. Ever since the days of Robert Glover and Roger Dodsworth the churches of Yorkshire have received the attention of antiquaries, but Sir Stephen Glynne did not confine his attention to any single county. His ample notes, preserved at Hawarden, have been published in the transactions of more than one local archaeological society, and furnish an invaluable architectural record of the condition of parochial churches throughout the kingdom before restorers began to obliterate the traces of historic growth or more sympathetic architects began to record them. R.

In the *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, 5th series, iv. 1 and 2 (1916), Miss S. J. van den Berg continues her list of documents of interest for the history of the Netherlands noticed in the appendixes to the *Reports of the Historical Manuscripts Commission*, i-xv (see *ante*, xxxi. 528), from 1619 to 1648. In iv. 2 Mr. R. Bijlsma treats of the trading relations between Rotterdam and England during the time of the establishment of the merchant adventurers there (1635-52). S.

The *Catalogus van de Pamfletten-Verzameling berustende in de Koninklijke Bibliotheek* at The Hague ('s Gravenhage: Algemeene Landsdrukkerij, 1916), which we owe to the patient industry and expert bibliographical learning of Dr. W. P. C. Knuttel, has at length been completed. Its first volume was reviewed in these pages so far back as 1890;<sup>1</sup> and now its seventh carries the catalogue of the collection down to 1853. An eighth volume contains a supplement, from 1507 to 1830, so arranged that the new titles are denoted by the addition of letters of the alphabet (as '9334 a') and do not disturb the general numeration. The seven volumes deal with nearly 30,000 pamphlets, and the supplement includes perhaps 2,500 more. Two special features of value may be noticed: the identifications of anonymous works, and the brief notes explaining what pamphlets with vague titles are about and sometimes elucidating their origin. T.

<sup>1</sup> *Ante*, v. 779.

#### CORRECTIONS IN THE APRIL NUMBER

P. 207, line 9. For Of Benedict VIII we possess documents from read Benedict VIII's pontificate is reckoned in charters as running from

lines 17, 18. For Benedict's documents read the documents mentioning Benedict as pope

P. 301, line 20. For *Church Reform in Scotland* read *Church and Reform in Scotland*

line 31. For 1833 read 1832

# THE ENGLISH HISTORICAL REVIEW

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## *The Names and Numbers of Medieval Popes*

EARLY in 1913 it was announced in the newspapers that the Roman Commission of Historical Criticism, of which the late Cardinal Ferrata was president, had struck out four names from the list of popes.<sup>1</sup> These were Boniface VI, who occupied the Holy See for fifteen days in 896; Boniface VIII, who usurped it for a month in 974, was driven out, but returned ten years later and maintained his position for some time in 984 and 985; John XVI, who contested the papacy against Gregory V in 997-8; and Benedict X, who was set up on the death of Stephen IX in 1058 and held his ground for nine months. It was at once stated in the *Osservatore Romano* that there was nothing new in the correction; the revised order merely went back to a list authorized by Benedict XIV in 1751. I have no means of ascertaining the precise fact, but it is undoubtedly true that not one of the four will be found in the official *Annuario Pontificio* for 1865. The corruption of the list, as we find it, for instance, in the *Gerarchia Cattolica* for 1901,<sup>2</sup> is therefore due to the misplaced industry of a more recent editor.

### I

The question thus raised led me to look more closely into the names and numbers of the medieval popes, and first of all to inquire when it was that they began to adopt new names on election. Towards the end of the twelfth century it was believed

<sup>1</sup> See *The Times* for 17 February 1913.

<sup>2</sup> I cite this book at second hand through C. Mirbt's *Quellen zur Geschichte des Papsttums* (2nd ed.), pp. 450 ff. [Since this article was printed I have had an opportunity of seeing the *Gerarchia Cattolica* for 1904, issued shortly after the election of Pius X. This differs considerably from the volume for 1901 and has been partially revised with the help of Monsignor Duchesne's introduction to the *Liber Pontificalis*.]

that the first pope who changed his name was Sergius II, who became pope in 844. According to Godfrey of Viterbo,

Iste Sergius papa vocabatur prius Os Porci, et propter hoc mutavit nomen et vocatus est Sergius in papatu. Ab illo tempore unusquisque in papatu nomen quod habuerat permutavit. Quod ante illud tempus non faciebant.<sup>3</sup>

A similar statement appears in the Chronicle of Gilbert, a compilation as it seems of Roman origin dating from the early part of the thirteenth century,<sup>4</sup> and also, for instance, in the Lesser Chronicle of Erfurt; in the latter there is added,

Hic constituit ut mutari debeat nomen pape, ut <sup>5</sup> Dominus Symonem appellavit Petrum, qui fuit primus papa.<sup>6</sup>

The story that Sergius II was first called Os Porci or 'Hog's Snout' is a simple mistake arising from a confusion with Sergius IV, who became pope in 1009. When Thietmar, who was made bishop of Merseburg in that very same year, had occasion to mention the appointment of Sergius IV, he inserted in his own handwriting the words *qui vocabatur Bucca Porci*; <sup>7</sup> and several papal lists of the eleventh century give him the name of Os Porci.<sup>8</sup> A variant form is found appended to a manuscript of the Chronicle of Otto of Freising, written at Augsburg between 1165 and 1167 and now preserved at Hanover.<sup>9</sup> In this we read,

Petrus, qui et Sergius, episcopus Albanensis, ex patre Petro, matre Stephania, cognomento Bucca Porca.<sup>10</sup>

Whatever may have been his surname, Sergius's name had been Peter; and this is in fact stated on his epitaph in the church of St. John Lateran:

Albanum regimen lustro venerabilis uno  
Rexit. Post summum ducitur ad solium,  
In quo mutato permansit nomine presul  
Sergius ex Petro sic vocitatus erat,  
Ductus mente pia.<sup>11</sup>

<sup>3</sup> Pantheon, in *Monumenta Germaniae Historica*, Scriptorum, xxii. (1872) 292.

<sup>4</sup> *Is vocabatur Os porci, unde ab isto in antea omnis papa proprium nomen mutat*: *ibid.* xxiv. (1879) 130.

<sup>5</sup> Most manuscripts read *et*.

<sup>6</sup> *Chron. min. Minoritae Erphordensis*, with the date 841, in *Monumenta Erphesfurtensia*, p. 615, ed. O. Holder-Egger, 1899. (In another Erfurt chronicle the change of one numeral placed him five hundred years later, M<sup>o</sup>CCC<sup>o</sup>XLII<sup>o</sup>: *Chron. S. Petri Erford.*, *ibid.*, p. 385.) See also the Lives of Sergius II in Platina's *Hist. de Vitae Pontif. Roman.* (ed. 1572), p. 100, and Onuphrius Panvinius' *Epitome Pontif. Roman.* (1557), pp. 41 f.

<sup>7</sup> *Chron.* vi. 61 [vii. 40], ed. F. Kurze, 1889.

<sup>8</sup> It is found for instance in a catalogue formerly at the monastery of La Cava (Vatic. MS. 3764) and in another which was once preserved at St. Mary's beyond the Tiber (Add. MS. 14801, in the British Museum): see the *Liber Pontificalis*, ed. L. Duchesne, ii. (1892) 267.

<sup>9</sup> See R. Wilmans, in *Monum. Germ. Hist.*, Scriptt. xx. (1868) 102, and A. Hofmeister's preface to the *Chronica*, pp. xxx, xxxi (1912).

<sup>10</sup> Eccard, *Corp. Hist. Medii Aevi*, ii. 1639 b (1723).

<sup>11</sup> Cited by Duchesne, ii. 267, n. 4.

A natural *pietas* restrained him from calling himself Peter II.—But no statement is made that Sergius IV was the first pope to adopt a new name: with two such famous examples of this practice as those of Gregory V and Silvester II almost immediately preceding, the compiler of a catalogue could not easily fall into that mistake. It is therefore probable that the supposition that a Pope Sergius was the first to change his name must have arisen after the surname Os Porci had been erroneously attributed to Sergius II.

Can the inventor of the practice be discovered? One turns, as a matter of course, to see what Mabillon has to tell us. But here, by a rare exception, his information is unsatisfactory. After mentioning that from the eleventh century the popes were in the habit of changing their names on election, he says:

This indeed had been done near the end of the ninth century in the case of Hadrian III who was previously called Agapitus; then in the tenth century in the cases of Sergius III, John XII, and John XIV, Gregory V, and Silvester II. But in the eleventh century it became a practice, at least from Benedict IX onwards, and after that time you will hardly find any pope who did not change his name, excepting Marcellus II, who kept his own name.<sup>12</sup>

The statement about Hadrian III seems to have arisen from some accidental confusion, which I think can be explained;<sup>13</sup> and I find no evidence that Sergius III adopted a new name when he became pope, but the facts about his history are extremely obscure. I incline to think that Mabillon must have meant Sergius IV.

The first undoubted instance in which a pope was known by two names is that of John XII, otherwise Octavian. This man, I need not say, is the pope who crowned Otto the Great emperor in 962 and who a year later was deposed for many irregularities by a Roman synod. Contemporary evidence as to his name is found in the Chronicle of Benedict, monk of St. Andrew's at the foot of Mount Soracte near Rome. Benedict is an illiterate<sup>?</sup> writer who pays no regard to numbers and cases, and it is not always easy to be sure of his meaning. He says of the pope's father, Alberic prince of the Romans,

Genuit autem ex his [i. e. apparently from the issue of the king of the Lombards] principem ex concubinam filium; imposuit eis nomen Octavianus.

<sup>12</sup> *Acta Sanctorum O. S. B.*, saec. vi. ii (1701), praef. § xii. 93.

<sup>13</sup> The sixteen months of Hadrian III's rule fall in a time when there is a gap of thirteen years, between the death of Hadrian II in 872 and the election of Stephen V in 885, in the *Liber Pontificalis*, just before it stops abruptly in 891, and the brief lists of popes which take its place are too meagre to supply any details about the life of Hadrian III. Mabillon's statement as to the name Agapetus may have been due to his eye having strayed to a notice of the following century, where, just as Marinus I was followed by Hadrian III, Marinus II was followed by Agapetus.

Then the Romans

omnes promiserunt fide per sacramentum ut Octavianus filium suum post mortem Agapiti pape Octavianus papa eligerent. . . . Inter haec non multum tempus Agapitus papa decessit. Octavianus in sede sanctissima susceptus est, et vocatus est Iohannes duodecimi pape.<sup>14</sup>

— Flodoard, canon of Rheims, a most careful annalist, knows only of Pope Octavian; <sup>15</sup> but his information about an undoubtedly confused period in the history of the Papacy was defective, and he calls this pope's successor John instead of Leo VIII. Richer, who drew much of his material from Flodoard, turns the one pope into two: when he means John XII he speaks of domno Iohanne papa, qui iam succedebat Octoviano, domni Agapeti successori.<sup>16</sup>

This mistake is found in later writers who made use of Flodoard. Hugh of Flavigny, writing about 1100, says,

Octavianus autem papa, cum de inreligiositate culparetur, a. 962 Romam exiit, et in locum eius Iohannes XII substitutus est.<sup>17</sup>

Hugh of Fleury, not many years afterwards, errs in a different direction: he says that the Romans deposed 'Otthavianum', who succeeded Agapetus, and set up 'Iohannem quendam';

quod audiens imperator Romam rediit, et prefatum Iohannem iudicio synodali deposuit.<sup>18</sup>

There was a difference of opinion among these writers whether it was Pope Octavian or Pope John who was deposed in 963. Evidently the news which reached France from Rome was incomplete. It told of a pope named Octavian and of a pope named John. Flodoard thought that John was the pope set up after the deposition of Octavian, that is Leo VIII. Richer misunderstood his account and supposed that Octavian was followed by John XII: what he says of this John certainly refers to John XII.<sup>19</sup>

To go back to Benedict of Soracte, it is possible that what he means is that Alberic prince of the Romans desired that his offspring should be known by a name which would connect them with the historical tradition of the empire.<sup>20</sup> He made inquiries (we may suppose) and learned that the first emperor bore not the

<sup>14</sup> *Chron.* xxxiv, xxxv, *Monum. Germ. Hist.*, Scriptt. iii. (1839) 717.

<sup>15</sup> 'Octaviano papa': *Annales*, a. 965, ed. P. Lauer, 1905.

<sup>16</sup> *Hist.* iii. 17, ed. G. Waitz, 2nd ed., 1877.

<sup>17</sup> *Chron.*, in *Monum. Germ. Hist.*, Scriptt. viii. (1848) 364.

<sup>18</sup> *Modern. Reg. Franc. Actus*, *ibid.* ix. (1851) 383 f.

<sup>19</sup> Compare Richer, iii. 17, with Flodoard, a. 962.

<sup>20</sup> Monsignor Duchesne says, 'Peut-être Albéric s'était-il flatté qu'un jour cet Octavien deviendrait Auguste et qu'un empire romain vraiment indigène sortirait de sa principauté et de sa famille': *Les Premiers Temps de l'État Pontifical*, 2nd ed., 1904, p. 335.

name but the surname of Octavian, and so let his son John be known as Octavian. It is no doubt true that Benedict says that when he was made pope he was called John. But it is difficult to believe that this particular pope introduced what after all was a remarkable innovation, still less that he did this from a scruple about the gentile associations of the name Octavian.<sup>21</sup> If he did so, he must have merely intended to make the change from his position as prince to that of pope, and in this case he adopted the name of his uncle John XI. But it seems much more likely that John was his original name and that Octavian was the surname by which down to that time he was commonly known. Archbishop Adalbert of Magdeburg, the continuator of the Chronicle of Regino, calls him 'Iohannem, qui et Octavianus',<sup>22</sup> which was the usual way of mentioning a name and a surname; and a generation later Gerbert of Rheims, soon to be Pope Silvester II, speaks precisely of 'Iohannem cognomento Octavianum'.<sup>23</sup> The Papal Lists for this period usually do no more than copy out a jejune catalogue of popes, with their origin and length of session; but the account of John XII forms an exception. It contains a full narrative manifestly taken from an official source. But it makes no mention of the name Octavian.<sup>24</sup> Nor is this name found in any Papal List until soon after the middle of the twelfth century, and then it appears in the Augsburg list already mentioned, which, though of earlier origin, is known to have received additions from other sources. Here the pope is entered as 'Iohannes XII qui et Octavianus'.<sup>25</sup> The form agrees with Adalbert, but it is in fact derived from the Chronicle of Herman of Reichenau.<sup>26</sup>

In 983 a vacancy occurred in the papacy, and Otto II not many weeks before his death secured the election of his arch-chancellor Peter, bishop of Pavia; and Peter took the name of John XIV.<sup>27</sup> This is the earliest example of a change of name which is entirely beyond dispute, and the person elected bore the name of Peter: *qui Petrus antea extiterat*, according to his epitaph as given by Peter Malleus.<sup>28</sup> It seems to me evident that the change was

<sup>21</sup> See the *Nouveau Traité de Diplomatie*, iv. (1759) 566 n.

<sup>22</sup> *Regin. Chron.*, a. 964, ed. F. Kurze, 1890. So too in Herman of Reichenau, *Chron.*, in *Monum. Germ. Hist.*, Scriptt. v. (1844) 115. Afterwards he speaks of 'Iohanne seu Octaviano'.

<sup>23</sup> *Acta Concil. Remensis* (991), xxviii, *Monum. Germ. Hist.*, Scriptt. iii. 672. The words are put into the mouth of a speaker at the council of St. Basle, but the form of the report is plainly due to Gerbert.

<sup>24</sup> *Liber Pontif.* ii. 246 f.

<sup>25</sup> Eccard, ii. 1638 b.

<sup>26</sup> Usually the Augsburg list is the source from which Herman takes his details, but here it seems that the words in the Augsburg list are a later insertion.

<sup>27</sup> *Ann. Einsidlenses, sub ann.*, *Monum. Germ. Hist.*, Scriptt. iii. 143.

<sup>28</sup> Ap. J. B. de Rossi, *Inscriptiones sacrae Urbis Romae*, ii. (1888) 216 n. 84.

made because the name was Peter. The motive which is said to have actuated Sergius IV in 1009 had already been effective in the case of John XIV. The fact about Sergius IV was erroneously transferred to Sergius II, and the change which was really due to his name being Peter was wrongly attributed to his nickname of Os Porci.

Not long after John XIV two foreigners, a German and a Frenchman, attained the papacy. Now in the seventh and eighth centuries there had been many popes who came from regions far distant from Rome; but they all came from the Greek or Oriental sphere, whether from southern Italy or Sicily, Greece or Syria. No pope had ever been chosen from the west. It may be that Bruno of Carinthia and Gerbert of Aurillac thought their names incongruous to the papal series. At all events they followed the example of Peter of Pavia, and became Gregory V and Silvester II.

## II

We may next inquire what was the reason which induced popes, when they changed their names, to adopt the particular names they chose. I speak designedly of their adopting names, for the theory of Dr. Wilhelm Martens, a dogmatic and unconvincing writer, that at least between 1046 and 1100 these names were imposed on popes by the electing assembly without their consultation, cannot be taken seriously.<sup>29</sup> Dr. Martens indeed is more than serious on the point. He is vituperative of any one who holds a different opinion: any contrary statement which we find is 'false and dictated by a contaminated tendency'. Some of Dr. Martens's examples in support of his theory may be quoted. Of Clement II Benzo 'says precisely', *Vocatus est Clemens, et merito, fuit quippe bonus et benignus*; and the *Annales Romani* record the coronation of the emperor *a suo sancto benigne pontifice*. Then Poppo bishop of Brixen was made pope, whom the Romans *alio nomine Damasum vocaverunt*. The like is said of Bruno of Toul, *Leo papa Romano more nuncupatur*; or as Leo of Ostia relates positively, *Romani Leonem papam vocari decernunt*. It is absurd to suppose that Bruno took his name from Leo VIII: the Romans acted with complete independence ('ganz autonom') and called him after Leo I. His biographer, Wibert, says, *Hic Deo devotissimus mores et vitam magni Leonis imitatus, cuius et vocabulo fuerit insignitus*.<sup>30</sup> Hildebrand chose the name Victor II for Gebhard of Eichstädt, and very likely also that of Nicholas II for Gerard of Florence. There can be no doubt that Hildebrand himself was called after Gregory I; his biographer Paul of Bern-

<sup>29</sup> See his article in *Zeitschrift für Kirchenrecht*, xxii. (1887) 58-66, and *Gregor VII*, i. (1894) 51 f.

<sup>30</sup> *Leonis IX Vita*, ii. 3, in Watterich, *Romanorum Pontificum Vitae*, i. 152, 1862.

ried speaks of *Gregorius VII super quem vere primi Gregorii requievit spiritus*.<sup>31</sup> Dr. Martens slurs over the statement of Leo of Ostia<sup>32</sup> that Gerard of Florence *Nycholai nomen indeptus est*. Other inconvenient phrases are summarily disposed of. When the council of Worms in 1076, addressing Hildebrand, spoke of *beatum Gregorium cuius sine actu nomen tibi usurpasti*,<sup>33</sup> 'dies ist einfach unwahr;' and when Hugh of Flavigny said that Desiderius *Victorem se nominavit*,<sup>34</sup> this is 'a lie'. In this way it is easy to get rid of the obvious explanation, which is opposed by none of the evidence cited, that the new pope made known to the assembly the name by which he intended to be called before he was proclaimed. It is strange that so sober a writer as Dr. Meyer von Knonau should in the case of Gregory VII have given countenance to Dr. Martens's wild hypothesis. He says that the cardinals proclaimed the new pope as Gregory 'with unmistakable allusion to the similar condition of things when in 590 with complete unanimity the voice of the assembled Roman people chose the first Gregory as pope'.<sup>35</sup> The allusion, I confess, escapes me; for in 590 the Romans did not call Gregory by any other name than that which he had borne previously.

I come now to the choice of names. One can hardly doubt that John XIV, the nominee of Otto II, went back intentionally to John XIII, the most imperial of popes, who was elected after a special embassy had been sent to Otto the Great eighteen years earlier. But it cannot be supposed that when Bruno, the son of Otto III's cousin, Duke Otto of Carinthia, became pope in 996 and adopted the name of Gregory V, he desired to associate himself with the last pope of that name, who played a sorry part in the civil war between Lewis the Pious and his sons in 833. He must evidently have taken the name from a representative pope, the greatest who had down to that time occupied the see, Gregory I. Gerbert no less plainly went back to the pope who was contemporary with the first Christian emperor, Silvester I, who was then believed to have baptized Constantine. The popes who fill the interval between 1003 and 1046 have little but local interest, and need not detain us. The revolution made by the Emperor Henry III in the latter year had effects on the popes' choice of names which continued for a century. During this time there were eighteen popes elected, and all but five of them were the second of their name. In other words, they intentionally passed back beyond the period of papal occultation, when the Crescentii or the counts of Tusculum held the mastery, and openly connected-

<sup>31</sup> *Gregorii VII Vita, ibid.*, p. 474.

<sup>32</sup> *Chron. Monast. Casin.* ii. 12, *Monum. Germ. Hist.*, Scriptt. vii. 705.

<sup>33</sup> *Monum. Germ. Hist.*, Leges, ii. 47.

<sup>34</sup> *Chron.*, *ibid.*, Scriptt. vii. 466.

<sup>35</sup> *Jahrbücher des Deutschen Reichs unter Heinrich IV. und Heinrich V.*, ii. (1894) 209.

themselves with the names of the pontiffs of the earlier church, eleven of them with popes earlier than the middle of the seventh century, and only two with popes of the ninth. The five exceptions are Leo IX, Stephen IX, Benedict X, Gregory VII, and Victor III. Of these Benedict is one of the four now finally eliminated from the list. Leo IX, Bishop Bruno of Toul, elected in Germany, may have wished to associate himself with Leo III who crowned Charles the Great, or perhaps with Leo VIII who was set up under Otto the Great,<sup>36</sup> or possibly like the earlier Bruno may have thought of the first Leo.<sup>37</sup> Stephen IX was elected on 2 August, the day on which Pope St. Stephen I († 257) was venerated, and chose his name for that reason.<sup>38</sup> Gregory VII had personal reasons for attaching himself to Gregory VI.<sup>39</sup> Victor III was in the confidence of Gregory VII, as had been Victor II, and this link perhaps determined his choice of name. But these four are the only exceptions to the rule of reversion to the name of a pope numbered One.

But Number Two could not be continued for ever. Eugenius III begins a series of popes numbered Three. The system was apparently not understood at once, for he was followed by Anastasius IV and Hadrian IV. But after Hadrian in sixty-eight years there were eight popes, all but one of whom were the third of their name. The one exception is Gregory VIII. After Honorius III there is no such long spell of popes bearing the same number. Gregory IX is followed by five popes numbered Four; Gregory X by two popes numbered Five. But what is remarkable is that with the exceptions of Anastasius IV and Hadrian IV there is still no return to the names of the popes who reigned between Nicholas I († 867) and Clement II (1046): there is no John, Marinus, Theodore, Benedict, Sergius, or Boniface; Leo and Stephen appear but once. It is not until 1276 that any of these names are again used, and then so confused was the tradition that the two popes who first reverted to them mistook either the number or the name. John who ought to have been the Twentieth called himself the Twenty-first, and Martin who was really the Second was known as the Fourth, because two popes named Marinus were supposed wrongly to have borne the name of Martinus. Soon afterwards Boniface and Benedict were revived without scruple: the Crescentian and Tusculan days were too far distant for the names to excite suspicion. But with these exceptions the tradition begun in 1046 was steadily maintained until 1458, and since then

<sup>36</sup> So Steindorff thought, ii. 71 f.

<sup>37</sup> The latter is suggested by Wibert of Toul, *Leonis IX Vita*, ii. 3, in Watterich, i. 152.

<sup>38</sup> See Leo of Ostia, *Chron. Montis Casini*, ii. 94 (*Monumenta Germaniae Historica*, *Scriptores*, vii. 693).

<sup>39</sup> Otto of Freising, *Chron.* vi. 32, p. 300, ed. Hofmeister, 1912.

in more than four centuries and a half only four popes have departed from it ; and these four all went back to the number Two. Aeneas Sylvius by an innocent conceit called himself Pius II. When his successor Pietro Barbo was elected, it is said that he proposed to be the second Formosus or the second Mark before he decided to become Paul II.<sup>40</sup> In 1503 Giuliano della Rovere, by a slight modification of his baptismal name, assumed that of Julius II. Finally, in 1555 Marcellus II retained his own name :—the fact that his pontificate lasted only twenty days may have deterred subsequent popes from following his example. They have all adopted names which were in use not earlier than 1378.—No pope has borne a lower number than Four ; there have been a thirteenth Innocent, a fourteenth Clement, a fifteenth Benedict, and a sixteenth Gregory.

In connexion with the numbering of the popes, there is one conspicuous difference between the time before and after 1046. —In the earlier time antipopes—I use the word without prejudice, to designate the opponents of popes whose claims were ultimately accepted—were as a rule counted among the popes. Among these it would be historically untrue to reckon Leo VIII, who was elected after a Roman council in 963 when Otto the Great was in Rome and when John XII was deposed ; for in fact no one ever disputed that he was a genuine pope until Cardinal Baronius on a *priori* grounds excluded him.<sup>41</sup> Platina<sup>42</sup> and Panvinio<sup>43</sup> had no doubts about him ; but now his name has long disappeared from the official lists. Nor was Boniface VI, who occupied the papacy for fifteen days in 896, exactly an antipope : there was no other pope at the moment. Two years later a council at Ravenna declared his election null, and this decision, at least since Baronius, has been respected. The antipopes whom I have in mind are Felix II in the middle of the fourth century, and Boniface VII and John XVI towards the end of the tenth. However questionable their position may have been, their numbers were accepted by subsequent popes who bore or assumed the same name.<sup>44</sup>

After 1046 no antipope has been allowed a place in the series. If the Tusculan Benedict X be quoted against this statement, I reply that he may properly be called a usurper and has in modern

<sup>40</sup> M. Creighton, *Hist. of the Papacy*, iii. (1887), 5.

<sup>41</sup> See his long dissertation, *Ann. Eccles.* 963, cc. iii–xl, vol. xvi. 129–38, ed. 1744. He adds : ‘ Non quia, sicut plerique alii male asserti, inter Romanos Pontifices numeratus reperitur, idcirco vere legitimum dixerimus fuisse Pontificem. Scriptorum error nullum afferre potest veritati praeiudicium, nec numerata Leonum ita nominatorum Pontificum series esse faciet quod non est ’ (c. xxxviii).

<sup>42</sup> *Hist. de Vit. Pontif. Rom.*, p. 119.

<sup>43</sup> *Epi. Pontif. Rom.*, p. 50.

<sup>44</sup> Cf. Duchesne, *Liber Pontif.* ii, introd., p. lxxv.

times been rightly struck out of the list. But an antipope he was not until nine months after he invaded the Holy See, when Nicholas II was elected against him. There was, therefore, nothing to prevent a pope from adopting the number of Benedict XI in 1303. With antipopes in the strict sense the case was different. In 1061 Alexander II had to withstand an Honorius II ; but Honorius II was the style chosen by an acknowledged pope in 1124. A Clement III was set up in 1084 against Gregory VII and maintained some sort of a position for sixteen years ; but this was no obstacle to another pope taking the name of Clement III in 1187. One of the antipopes to Alexander III was Calixtus III (1168-78) : his name and number were repeated nearly three hundred years later. Another was called Innocent III (1179-80) : the great Innocent III was elected only eighteen years later. I need not speak of the confusion caused by the Clement and Benedict of the Great Schism, or of their hardly known successors who carried on an obscure tradition for fifteen years after the deposition of this Benedict XIII by the council of Constance in 1417. The acknowledged Benedict XIII was elected in 1724.

### III

I have mentioned how a confusion between the names Martinus and Marinus led to a misnumbering in the case of Martin IV. The error which arose with respect to the popes named John has been explained by Monsignor Duchesne.<sup>45</sup> It was not, I may notice, due to the inclusion of any one of the several Johns who with varying success usurped the Holy See in the last years of the tenth century. It came from a simple mistake in transcription.—Under John XIV the papal catalogue mentions the length of his pontificate, *mens. VIII*, and proceeds to record his imprisonment *per IV menses*. Now in some copies these figures are both given as marking the length of the pontificate, and thus attributed to two successive popes, each named John. Thus in a shortened list written about 1100 we read :

Iohannes m. viii.

Iohannes m. iv.<sup>46</sup>

The mistake was the easier to make since John XIV was in fact followed by John XV. The two successive Johns became three. But the mistake was not made until there had been Popes John to the number of Nineteen—the last died in 1032—for they all reckoned their numbers correctly and had no knowledge of the supposititious pope who is nowadays conveniently distinguished as Pope John 'XIV bis'. But by the thirteenth century the

<sup>45</sup> *Liber Pontif.* ii, p. xviii.

<sup>46</sup> *Monum. Germ. Hist.*, Scriptt. xxiv. 84.

corrupted text was everywhere accepted, and thus when, 244 years later, a pope once more took the name of John, he called himself the Twenty-First, though there never had been a Twentieth. The point is worth going into, because it has been supposed that the redundant pope was the fictitious Joan.<sup>47</sup> But no disturbance of the numbers of the popes named John occurred in the lists until the end of the eleventh century, and the much later legend concerning Pope Joan placed her immediately after Leo IV, who died in 855.<sup>48</sup> John XIV *bis* was not the only John inserted by mistake among the popes of the end of the tenth century. In some late copies of the *Liber Pontificalis* the notice concerning John XV was repeated and a John XVI produced who was different from the antipope of Gregory V. This purely imaginary pope finds his place in the *Gerarchia Cattolica* for 1901.<sup>49</sup>

I need not linger over another imaginary Pope Domnus or Donus II who was inserted by a scribal error next after Benedict VI in 974.<sup>50</sup> We find in several manuscripts entries of the following type :

Benedictus sed. ann. i. m. vi.

Domnus de Suri sed. ann. i. m. vi.

If the words *de Suri* are original, they must refer to Benedict VII, who was of Sutri, and thus indicate a text from which the intruder Boniface VII was omitted. But the years and months certainly belong to Benedict VI, and so we are led to suppose that the writer stopped short, possibly from uncertainty which name to supply, and then through inadvertence repeated the figures indicating the length of Benedict VI's pontificate.

<sup>47</sup> See Duchesne's note, ii. 457; cf. p. xxvi.

<sup>48</sup> Platina, p. 103, inserts the lady under the name of Johannes VIII, so that he reaches John XXI by 1024.

<sup>49</sup> It may be helpful to give a table of the popes during this period of confusion, with their numbers in the entire series, as they are given in the Benedictine *Art de vérifier les Dates* (ed. 1818), the *Annuario Pontificio* for 1865, the *Gerarchia Cattolica* for 1901, and Monsignor Duchesne's edition of the *Liber Pontificalis*.

<i>Art de vérifier.</i>	<i>Annuario.</i>	<i>Gerarchia.</i>	<i>Lib. Pontif.</i>
136 John XIV.	139 J. XIV	140 J. XIV.	140 J. XIV.
... J. XV. [=XIV <i>bis</i> ].		141 Boniface VII.	
137 J. XVI.	140 J. XV.	142 J. XV.	141 J. XV.
138 { Gregory v. }	141 Gregory v.	{ 143 J. XVI. }	{ 142 { Gregory v. }
{ J. XVII. }		{ 144 Gregory v. }	{ J. XVI. }
		145 John XVII.	
139 Silvester II.	142 Silvester II.	146 Silvester II.	143 Silvester II.
140 J. XVII [ <i>sic</i> ].	143 J. XVI vel XVII	147 J. XVIII.	144 J. XVII.
141 J. XVIII.	144 J. XVII vel XVIII.	148 J. XIX.	145 J. XVIII.
142 Sergius IV.	145 Sergius IV.	149 Sergius IV.	146 Sergius IV.
143 Benedict VIII.	146 Benedict VIII.	150 Benedict VIII.	147 Benedict VIII.
144 J. XIX.	147 J. XVIII, XIX, vel XX.	151 J. XX.	148 J. XIX.

<sup>50</sup> Duchesne, ii. 255, 256 n. 4, and introd., p. xviii.

There are two instances in which a series of popes has been variously numbered, not in consequence of any mistake in transcription or any confusion of name, but through a difference of opinion as to whether one of them was truly pope or not. The first case is that of the popes named Felix, and I need only mention it in passing because it belongs to an earlier age in the history of the church than that with which I am concerned in the present paper. The question of course has arisen from the famous controversy whether the Felix who was set up against Pope Liberius in 355 was to be reckoned a pope or not, that is, whether he was to be called Felix II. It has only affected two of his successors, Felix II or III in 483, and Felix III or IV in 526. But this variation of number was introduced in modern times. In the middle ages the position of the doubtful Felix in the papal list was not contested, and when the council of Basle in 1439 elected an antipope to Eugenius IV, he chose the style of Felix V.

The other case is that of the popes named Stephen. Nearly five hundred years after St. Stephen I, who died in 257, one Stephen was elected pope in March 752, on the death of Zachary; but he was never consecrated: on the third day after his election he apparently had a fit and died on the day following. The *Liber Pontificalis* speaks of him as *Stephanum quendam*, and does not include him among the popes.<sup>51</sup> In modern times, however, he has been ranked as Stephen II and even canonized; so that the Stephen II who is famous for his relations with the Frankish king became Stephen III. Monsignor Duchesne says truly that this mode of reckoning is foreign to medieval practice.<sup>52</sup> For the single example of a later Stephen being called by a number which requires the interpolated Stephen to be included may be fairly dismissed as an error of transcription. It relates to Stephen V, who was pope from 885 to 891, and is found in the collection of canons of Cardinal Deusdedit,<sup>53</sup> where the pope is called Stephen VI. That the mistake also appears in the British Museum Additional MS. 8873, the *Collectio Britannica*,<sup>54</sup> can be explained on the supposition, which is on other grounds probable, that the compiler of this book derived some of his materials from Deusdedit.<sup>55</sup> But there is no doubt at all that the canonists Ivo of Chartres and Gratian knew this pope only as Stephen V.<sup>56</sup> And Stephen IX, who is called X in the official

<sup>51</sup> *Lib. Pontif.* i. 440.

<sup>52</sup> *Ibid.*, p. 456 n. 3.

<sup>53</sup> *Die Kanonensammlung des Kardinals Deusdedit*, i. 244 [116], ed. V. Wolf von Glanvell, 1905. An opposite error occurs in ii. 161, where an extract is cited 'Ex sinodo secundi Stephani pape', meaning Stephen III.

<sup>54</sup> P. Ewald, in *Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde*, v. (1880) 587.

<sup>55</sup> Cf. *ibid.*, p. 582.

<sup>56</sup> See Ewald's references, *ibid.*, p. 399.

list, inscribed his number in full letters on his leaden seal, STEPHANI NONI PAPÆ.<sup>57</sup> The interpolated Stephen was brought very late into the list. Platina does little more than repeat what the *Liber Pontificalis* says about him and forthwith proceeds to the election of the real *Stephanus secundus*.<sup>58</sup> But Onofrio Panvinio held that he ought to be inserted. He says,

Hunc scriptores gestorum Rom. Pont. in numero Paparum non recensent. Opinor quia consecratus non fuerit, et propter temporis brevitatem, quod haud recte factum est, quâm [= quoniam] et legitimè creatus fuerit, et vir ingentis spiritus et animi semper existimatus sit, eum in Pontificum Rom. numero ponere nobis placuit, notam tamen nominis non addidimus, propter vitandam in sequentibus Pontif. qui Stephani nomen habuere confusionem. Ipsi enim in nominis appellatione et numero huius Stephani rationem non habuere.<sup>59</sup>

He at once contradicts himself by calling his successor Stephen III; but he returns to the correct numbers when he gets to the true Stephen III of 768. This is in the *Epitome Pontificum Romanorum*, published in 1557; his later *Chronicon* appended to Platina's History<sup>60</sup> represents a further stage. Here Stephen II and his successors are renumbered 'Stephanus iij. dictus ij.' down to 'Stephanus x. dictus ix' in 1057. This method was followed by Baronius,<sup>61</sup> but the emphasis was now more strongly laid on the higher number, which although unknown until the sixteenth century has established itself in the modern official lists. It is still, I think, most generally current among Roman Catholic writers. It was used by Mabillon and by Döllinger, and it will be found in the first edition of Jaffé's *Regesta Pontificum*, which was not of Catholic origin. I am not able to explain how the restoration of the correct medieval numbers came about. It may have been due to the popularity of Platina's History; or perhaps Protestant writers may have adopted it from suspicion of Baronius—at any rate the correct numbering has been long accepted by them, from Mosheim down to Gieseler and Milman, to name no others. They had the powerful support of the later Benedictines of the congregation of St. Maur, who in the *Nouveau Traité de Diplomatique*<sup>62</sup> rejected the opinion of Baronius, and in the *Art de vérifier les Dates* printed the interpolated Stephen in small type and assigned him no number in the series of popes.<sup>63</sup>

<sup>57</sup> J. von Pflugk-Harttung, *Specimina Chartarum Pontif. Rom.* iii. (1887), plate vii. 5.

<sup>58</sup> *Hist. de Vit. Pontif.*, p. 87.

<sup>59</sup> *Epit. Pontif. Rom.*, p. 37.

<sup>60</sup> Panvinio's preface is dated September 1567, and the author died in April 1568. But the title-page bears the date 1572.

<sup>61</sup> *Ann. Eccles.* 752, c. x, vol. xii. 579, and elsewhere.

<sup>62</sup> v. (1762), 158 n. 1.

<sup>63</sup> II. iii. 293, ed. 1818.

To go back to the point from which I started, if, as I understand, the revised list of 1913 did no more than exclude Boniface VI and Boniface VII, John XVI, and Benedict X, it merely omitted four names which were only added within the last half-century. It did not profess to deal critically with the whole matter of the papal succession. Had it done this, it could not have left standing, for example, the duplicated Cletus near the beginning of the list or the imaginary Donus II. Most likely Boniface VI was canonically ineligible; Boniface VII and Benedict X may be truly said to have invaded the Holy See; and John XVI is admitted to have been an antipope. But these four were not the only alleged popes whose position was open to dispute. What are we to say, for instance, of Sergius III on the one hand or of his four predecessors, whom he declared to be no popes, on the other? Probably it was not desired to open up difficult problems. The commission of 1913 restored a list which went back to the eighteenth century and which represented generally the conclusions of Baronius. It is considerably in advance of Panvinio, who by inserting a number of antipopes, not to speak of Pope Joan, raised the total by more than a dozen,<sup>64</sup> though he did not admit Donus II nor exclude Leo VIII or Silvester III. But it is far less critical than that constructed by the Benedictine authors of the *Art de vérifier les Dates*. On the other hand, it does not give a list which accords with the series in the *Liber Pontificalis* nor one which would have been recognized in the middle ages.

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<sup>64</sup> The excess is in appearance sixteen, because Panvinio numbers the two invasions of Boniface VII and Benedict IX in each case as separate Pontificates.

## *The Office of Warden of the Marches ; its Origin and Early History*

NO office under the Crown has received so much attention from writers of fiction and so little from writers of history as that of Warden of the Marches of England against Scotland. No writer on English Constitutional History even mentions this office ; and until a very few years ago the only accounts we had of it were those given in Nicolson's *Leges Marchiarum* and Ridpath's *The Border-history of England and Scotland to the Union*, published in 1705 and in 1776. Recently, however, these brief accounts of the Wardenship have been supplemented by the late Dr. Hodgkin's Creighton Lecture, *The Wardens of the Northern Marches*, and Mr. Howard Pease's *The Lord Wardens of the Marches of England and Scotland*. Nevertheless, interesting as both works are, neither throws much light on the origin and early history of the office they profess to deal with. Dr. Hodgkin's lecture is most valuable for its account of the Laws of the Marches and their connexion with the Codes of Alfred and Edgar, the account of the Wardenship being brief and somewhat superficial ;<sup>1</sup> while Mr. Pease has more to say of the Marches and of the Wardens than of their office, and of the sixteenth century than of the fourteenth. Yet the early history of the office itself is not without interest, both for its own sake and for the light it throws on some parts of the political history of England.

The Marches of England and Scotland first come clearly into view in a treaty made between Henry III and Alexander III in 1249 delimiting the frontier between the kingdoms and reducing the Laws of the Marches to order.<sup>2</sup> This treaty was the outcome of two cases that had lately come before the sheriff of Northumberland. The first arose out of a dispute between the canons of

<sup>1</sup> Thus Dr. Hodgkin says (p. 2), 'I have not yet met with the mention of an earlier Warden than Henry, the second Baron Percy, February 13, 1328'; yet Robert Clifford was made Warden by that name, 26 October 1309 (*Rotuli Scotiae*, i, p. 76).

<sup>2</sup> Nicolson, *Leges Marchiarum* (ed. 1725), pp. 3 ff. ; *Acts of the Parliament of Scotland*, i, pp. 413 ff. The authenticity of this treaty has been doubted because one of the witnesses is Robert Clifford, the Clifford connexion with the North being of later date ; but in an inquest taken about this time, a Robert Clifford is returned as holding Hetton in Northumberland (*Testa de Nevill*, p. 384), who may well have been the man in question.

Carham in England and Bernard of Howden in Scotland as to the ownership of certain lands on the March between them. So far back as May 1222 an attempt had been made to delimit the frontier, the sheriff of Northumberland being ordered to go with the bishop of Durham or his bailiff, Richard de Umfraville, and such other knights of the shire as he saw fit, to meet the justiciar of Lothian, the earl of Dunbar, and knights sent by the king of Scots, and establish the Marches as they had been in the days of King John.<sup>3</sup> The jurors, half English, half Scottish, had been unable to agree as to the March between the three Carhams and Howden; <sup>4</sup> so now, nearly a quarter of a century later, another perambulation of the Marches had to be made. This was done on 1 December 1246, but with the same result; <sup>5</sup> and when Alexander II died in 1249 the dispute was still unsettled. Meanwhile, the Custom of the March had been brought into question during a trial before the sheriff of Northumberland; and in November 1248 an inquest of six English and six Scottish knights had found that by March Law Nicholas de Sules, who had lands in both countries, should not have been impleaded for the transgressions of his Scottish men in England except at the March.<sup>6</sup> When therefore Alexander III became king, advantage was taken of the beginning of a new reign to settle all the points in dispute; inquests were held by the sheriffs of Northumberland, Berwick, and Roxburgh to perambulate the March and to 'recognize' the Laws of the Marches; <sup>7</sup> and the findings of the recognitors were embodied in the treaty of 1249. The notable feature of these proceedings is that in them there is no mention of a Warden of the Marches and that the leading part is taken by the sheriff. Both the disputes out of which the treaty issued were taken before the sheriff of Northumberland, the inquests whose findings were embodied in it were appointed by him, and the negotiations with the Scots were conducted by him; while the first trial under it of which we have record was held before the sheriff of Cumberland in 1250.<sup>8</sup>

This is seen to be quite natural as soon as we recognize in the Laws of the Marches the terms and provisions of the Laws of Athelstan and Edgar, so far as these relate to man-slaying and cattle-lifting,<sup>9</sup> and realize that as the code by which rough justice was administered between cattle-owners and cattle-thieves on the border down to the seventeenth century went back to the days when Lothian and Cumbria were still part of North-

<sup>3</sup> Bain, *Calendar of Documents relating to Scotland*, i, no. 827.

<sup>4</sup> *Ibid.*, no. 832.

<sup>5</sup> *Ibid.*, nos. 1672, 1699.

<sup>6</sup> *Ibid.*, no. 1749.

<sup>7</sup> *Ibid.*

<sup>8</sup> 11 May 1250, *ibid.*, no. 1776.

<sup>9</sup> See Hodgkin, *Political History of England*, i, 424-5; *Wardens of the Northern Marches*, pp. 24 ff.

umbria and therefore subject to the same laws, so it was a matter of course that these laws should continue to be administered by the same officials after as before the break-up of that kingdom. Even apart from this consideration, the sheriff was in the thirteenth century the proper person to enforce the Laws of the Marches; for not only was the administration of justice among the king's lieges still almost wholly in his hands, but the responsibility of keeping the peace against the king's enemies still rested on him alone. It was for him to call out the *posse comitatus* in case of invasion or rebellion; and it was the custom, at least in the northern counties, to make him keeper of the royal castles in his shire.<sup>10</sup> In short, every duty afterwards discharged by the Warden of the Marches then fell to the sheriff in virtue of his office, save only that although he could receive Scots into the king's peace, he could neither grant safe-conducts to men crossing the border in search of justice nor distrain on breakers of the March Law, duties which belonged to the Inborh and Utborh,<sup>11</sup> an official of whom we know no more than that the earl of Dunbar held his lands in Northumberland by being *inborwe et utborwe ad merk in mere inter regna*.<sup>12</sup>

It was through the Scottish war which began in 1296 that the wardenship of the Marches came into existence. The sheriffs had now become purely civil officials, so that when war broke out the defence of the land had to be taken out of their hands and given to professional soldiers. A commission to keep the peace had already been devised for this purpose in Henry III's reign,<sup>13</sup> and it was as a matter of course that on the outbreak of war with the Scots Edward I handed over the defence of Cumberland to two professional soldiers by a commission to be *capitaneos et custodes pacis nostrae* in that county, and the sheriff was directed to aid them.<sup>14</sup> Next year, when the overthrow of the English at Stirling put the whole of the Marches in danger, the commission was reissued in a slightly modified form: Robert

<sup>10</sup> e. g. Thomas Multon, sheriff of Cumberland in 1233, was also keeper of Carlisle (*Calendar of Patent Rolls, 1232-47*, p. 8), and Hugh Bolbec, sheriff of Northumberland in 1236, was also keeper of Bamburgh and Newcastle (*ibid.*, p. 145), as were their successors appointed in 1248 (*ibid.*, 1247-58, p. 13). Compare the Pipe Rolls of Northumberland, *passim*.

<sup>11</sup> Nicolson, pp. 7, 9.

<sup>12</sup> *Three Northumberland Assize Rolls* (Surtees Soc.), p. 327; Bain, ii, no. 632.

<sup>13</sup> e. g. in February 1242, Henry III ordered four knights of the shire to keep the peace in the county of Devon and to guard the parts towards the Isle of Lundy against the king's enemies who were maintaining themselves there (*Cal. of Pat. Rolls, 1232-47*, p. 292); cf. Nicolas, *History of the Royal Navy*, p. 206.

<sup>14</sup> 4 March 1296: *Parl. Writs*, i. 278. This commission must not be confused with that appointing conservators of the peace pursuant to the statute of Winchester, which is differently worded (*ibid.*, p. 388). It is identical with that issued 7 November 1295 for the custody and defence of the sea-shore in the counties of Kent and Sussex (*ibid.*, p. 271); cf. Nicolas, p. 278.

Clifford and two others were appointed (18 October 1297) *capitaneos custodie partium Marchie Scotie in comitatibus Cumberland et Westmerland*, with power to call out the shire-levies to guard the Marches against the Scots, and three other knights were appointed at the same time to the same duty in Northumberland.<sup>15</sup> A little later, the title 'Warden of the Marches' came into use, and in October 1309 the king appointed Robert Clifford *custodem Marchie Scotie in partibus Karlioli contra inimicos et rebelles nostros*.<sup>16</sup> The change is significant. At first issued only when need arose, the commission to keep the Marches had had to be renewed time after time until it had become permanent; now, a new office, the wardenship of the Marches, had come into existence.

The original, and to the end the chief, duty of the Warden was to defend the March against the Scots, and the earliest commissions merely gave him power to array all the able men between sixteen and sixty in his March and lead them to the border.<sup>17</sup> Almost at once, however, the readiness of the Marchers to abandon or evade a service in which there was much hardship and little or no pay led to the captain, afterwards the Warden, being given power to punish desertion and evasion of service by amercement, distraint, or imprisonment.<sup>18</sup> A little later, when the Scots began to invade England in force, the custody of the royal castles in the March shires was given to the Wardens, that of Carlisle to the Warden of the March of Cumberland, and that of Newcastle—afterwards replaced by Berwick—to the Warden of the March of Northumberland.<sup>19</sup> Thus, by 1315 the Wardens had gained full control over and responsibility for the defence of the Marches. As time went on, other powers necessary for the peace and safety of the March were added. With the making of the first long truce with the Scots in 1317 it became necessary to appoint Keepers of it, a position that was given to the Wardens almost as a matter of course. At first the necessary powers were given by a special commission; <sup>20</sup> but from 1346 clauses were added to the Warden's own commission making him *ex officio* a keeper of the truce and authorizing him to punish breaches of it.<sup>21</sup> That he did so from the first in accordance with the old Laws of the Marches can hardly

<sup>15</sup> *Parl. Writs*, i. 301.<sup>16</sup> *Rot. Scot.* i. 76.<sup>17</sup> *Parl. Writs*, i. 278, 301.<sup>18</sup> 1 March 1300: *ibid.* i. 340-1; cf. *Rot. Scot.* i. 76.<sup>19</sup> *Rot. Scot.* i. 135, 140-1, 149. Berwick was substituted for Newcastle because Henry Percy, whose great estates in Northumberland marked him out as the proper Warden of its March, was in 1334 given Jedburgh with 500 marks of the new and old customs of Berwick and the custody of Berwick Castle with 100 marks in peace and £200 in war for himself and his heirs, in exchange for Annandale, which had been restored to him by Edward Balliol but was claimed by Edward de Bohun, earl of Hereford (*Rot. Scot.* i. 280).<sup>20</sup> *Rot. Scot.* i. 180; *Cal. of Pat. Rolls*, 1321-7, p. 290.<sup>21</sup> *Rot. Scot.* i. 670.

be doubted; but it was not till 1348 that he was expressly directed to punish truce-breakers *secundum legem et consuetudinem Marchiarum*.<sup>22</sup> With the duty of keeping the truce went, almost of necessity, authority to grant safe-conducts and to receive Scots into the king's peace,<sup>23</sup> as well as to compel the constables and keepers of castles and peels in the Marches to obey his orders and hand over all truce-breakers.<sup>24</sup> It was not, however, till 1373 that the Wardens were allowed to arrange with the Scottish Wardens for a 'March-day' for the redress of wrongs.<sup>25</sup> For some years commissions for this purpose were issued from time to time, usually twice a year; but from 1386 the Warden's own commission gave him authority not only to arrange for a March-day whenever need arose, but also to make or renew a truce for any time up to two months without consulting the king beforehand.<sup>26</sup>

In its final form, which was attained in November 1399, the commission of the Warden of the Marches gave him full authority not only to call out the able men of the March for its defence, but also to keep the truce with the Scots and punish breaches thereof according to the Laws of the Marches, to hold Warden-courts, to punish private agreements with the Scots, to receive into the king's peace all who wished to come in, to grant safe-conducts, especially to those seeking justice under March Law, to make a truce with the Scots for any time up to two months, to meet the Scottish Warden on the March for the redress of wrongs, and to appoint deputies under his own seal. It gave him full control over his own subordinates, over all captains, constables and keepers of castles and peels, royal and otherwise, over all sheriffs, mayors, and bailiffs, and over all the king's subjects in all matters in which he had jurisdiction.<sup>27</sup>

Great as were the powers of the Warden of the Marches, they were subject to clear limitations arising from the fact that he had simply taken over certain duties hitherto discharged by the sheriff in the March shires, as they continued to be in the inland ones. He had, indeed, all the powers necessary to the military governor of a frontier district, but he had no others. Certainly, he was far from having 'general civil powers', including 'a kind of high police jurisdiction' over the king's lieges through which, Dr. Lapsley has suggested, the Border shires 'were to a certain extent withdrawn from the jurisdiction of the common law'.<sup>28</sup> As a matter of fact, he had jurisdiction only when there had been

<sup>22</sup> *Ibid.* i. 718.

<sup>23</sup> *Cal. of Pat. Rolls, 1327-34*, p. 20. Any difficulty that might have arisen through the earl of Dunbar's claim to be Inborh and Uthorh was removed by the grant of his lands in 1335 to the then Warden, Henry Percy (*Cal. of Doc. Scot.* iii, no. 1142).

<sup>24</sup> *Rot. Scot.* i. 670.

<sup>25</sup> *Ibid.* i. 958.

<sup>26</sup> *Ibid.* ii. 81.

<sup>27</sup> *Ibid.* ii. 152.

<sup>28</sup> 'The Problem of the North', *American Historical Review*, v. 440-6.

some breach of military discipline, of the truce, or of the Laws of the Marches, none of which was an offence known to the common law; without an ordinary commission of the peace he could not punish felony nor even a breach of the peace unless it were combined with March treason,<sup>29</sup> while civil cases were entirely outside his jurisdiction. The Warden was, indeed, included as a matter of course in the ordinary commissions to keep the peace, but it remained true that as Warden he had 'none authority to meddle in any cause there' (i. e. the Marches), 'but only of attemptes whereof the Scots be parties, or done in Scotland by Englishmen, or in England by Scotsmen'.<sup>30</sup>

The reality of this limitation on the Warden's authority is shown by what happened when truce-breaking was made high treason in 1414. Aimed in the first instance at piracy in the narrow seas, the statute had disastrous consequences in the Marches; for the Wardens, having no jurisdiction in treason, could no longer give redress to the Scots, who therefore refused it to Englishmen, while plundering them with impunity and holding them to ransom by land and sea. Within a year the commons prayed that the statute might be void in the March shires.<sup>31</sup> Henry V answered only that the statute would be modified at his discretion, but on fresh complaint being made in 1416 parliament allowed the Wardens to issue letters of marque to those who could not get redress from the Scots.<sup>32</sup> At the same time the Warden's commission was altered, and the old direction to punish truce-breaking according to the Laws of the Marches was replaced by a new one to punish it by a fine.<sup>33</sup> This policy seems to have been successful, for there were no more complaints in Henry V's reign. In 1424, however, another attempt to enforce the statute of 1414 was made in consequence of a new truce with the Scots, in which it was laid down that offences should be punished according to the law of the land where they were committed.<sup>34</sup> For the next five years the punishment of breaches of the truce was entrusted to the Wardens and March officials by special commission; <sup>35</sup> but as before, the English could neither give nor get redress, and the Marches were so impoverished, destroyed, and wasted that the commons in 1429 petitioned the king to restore to the keepers of the truce and the Wardens their former power and authority to punish breaches of the truce as the Scottish Wardens did, and that the statute of 1414 should be repealed; whereupon, the late king's policy was resumed.<sup>36</sup> In 1449, however, the truce had to be renewed, and in the treaty then

<sup>29</sup> *Letters and Papers of Henry VIII*, xviii. i, no. 964.

<sup>30</sup> *Ibid.* xii. i, no. 595.

<sup>31</sup> *Ibid.* iv. 105.

<sup>34</sup> Rymer, *Foedera*, x. 328.

<sup>36</sup> *Rot. Parl.* iv. 351; *Rot. Scot.* ii. 268 ff.

<sup>31</sup> *Rot. Parl.* iv. 21-2, 68, 105.

<sup>33</sup> *Rot. Scot.* ii. 221.

<sup>35</sup> *Rot. Scot.* ii. 253, 256.

concluded the Laws of the Marches, amplified and brought up to date, were recited and their execution restored to the Wardens,<sup>37</sup> whose commissions once more directed them to punish offences according to the Laws of the Marches.<sup>38</sup> No further change was made; for although the statute of 1414 was not repealed, it became inoperative, and the only trace of its influence is in the name 'March treason' given to breaches of March law in England but not in Scotland.<sup>39</sup>

Even in the matters within his jurisdiction the Warden's authority was subject to important limitations consequent on his position as the successor of the sheriff. In the first place, his authority was strictly confined to the three March shires, -Cumberland, Westmorland, and Northumberland. The words of the commission make this clear enough; but if there was ever any doubt on this point it was finally removed in 1453. The Wardens of the day having begun to arrest men for March treason even in Yorkshire, the parliament that met at Reading in that year made petition to the king setting forth that the Wardens were used to attach men for breaches of the truce in Northumberland, Cumberland, Westmorland, and Newcastle, and nowhere else, but now 'for their singular lucre and sometimes for malice they have borne to certain persons', they have attached men in Yorkshire as well as other places outside the March shires, and have indicted them in the Warden-court, fined some heavily, and imprisoned others; therefore they pray that persons so attached outside the Marches may resist and have action for trespass or false imprisonment and recover treble damages, the defendant to be heavily fined. A statute was at once passed giving the justices of peace, the sheriffs, and the stewards of leet courts power to inquire concerning such attachments and to proceed against offenders as on presentments for trespass or fray against the king's peace.<sup>40</sup>

In the second place, even in the March shires themselves the Warden's authority was limited by an important distinction drawn between the March of a county and the county itself. Originally, the March was simply the boundary between England and Scotland; and it was in this sense that the word was used in the commission that made Robert Clifford 'Warden of the March in the parts of Carlisle' in 1309. Very soon, however, it was used to denote such part of the adjacent shires as was under the direct rule of the sheriff and therefore under that of the Warden.<sup>41</sup> This was very far from being the whole shire; for

<sup>37</sup> Rymer, *Foedera*, xi. 229 ff.

<sup>38</sup> *Rot. Scot.* ii. 372.

<sup>39</sup> Armstrong, *History of Liddesdale*, i. 11-12.

<sup>40</sup> The petition is cited in Welford's *History of Newcastle*, i. 331; the statute (3 Hen. VI, c. 3) is in *Statutes of the Realm*, ii. 363.

<sup>41</sup> *Rot. Scot.* i. 140-1.

north of the Trent there were great liberties which the sheriff might not enter for any purpose, and in which he could act only through the lord or his bailiff.<sup>42</sup>

It was out of four such liberties—the honours of Carlisle, Cockermouth, Coupland, and Kendal—that the fiscal shires of Cumberland and Westmorland had been formed in 1176 by dividing the honour of Carlisle into two parts and adding to the northern one the honours of Cockermouth and Coupland to form the shire of Cumberland, to the southern one the honour of Kendal to form the shire of Westmorland.<sup>43</sup> It was, however, only in the several parts of what had been the honour of Carlisle—the only one then in the king's hands—that the respective sheriffs had any direct authority,<sup>44</sup> and in Westmorland the shrievalty soon became hereditary in the family first of the Viponts and then of the Cliffords.<sup>45</sup> Thus it came to pass that the only part of the shires of Cumberland and Westmorland in which the Warden as the sheriff's successor could exercise his authority directly through his own officers was the northern part of the old honour of Carlisle, comprising the valley of the Eden from Carlisle to Penrith. As such, this district came to be known as the March of Cumberland and Westmorland,<sup>46</sup> from 1345 called the West March.<sup>47</sup>

In Northumberland there were five great liberties which the sheriff might not enter: Tynedale, Redesdale, Hexham, Northam with Bedlingtonshire, and Tynemouth, belonging respectively to the king, the Umfraville earls of Angus, the archbishop of York, the bishop of Durham, and the prior of Tynemouth.<sup>48</sup> These, however, formed but a small part of the whole county of Northumberland, so its March, from 1345 called the East March, was nearly co-extensive with the present shire.<sup>49</sup> Strictly speaking, these liberties, being palatinates in which the king's writ did not run, were not part of the shire at all, although it might sometimes be convenient to treat them as such; and there is reason for thinking that the Warden of the East March never had authority in them<sup>50</sup> until they were specially included with

<sup>42</sup> Sir Thomas Gargrave, sheriff of Yorkshire, to Cecil; *Cal. of S. P. Dom., Add.* 1566-70, p. 219; cf. *Letters and Papers*, iv, nos. 240-2; *ibid.* v, no. 951.

<sup>43</sup> *Victoria County History, Cumberland*, i. 310-11.

<sup>44</sup> *Returns relating to Courts of Requests, &c.*, 1840; cf. *Fifth Report on Courts of Common Law, and Placita de Quo Warranto*, i. 203 ff.

<sup>45</sup> Nicolson and Burn, *History of Westmorland and Cumberland*, i. 267.

<sup>46</sup> *Rot. Scot.* i. 194.

<sup>47</sup> *Ibid.*, i. 667, 670.

<sup>48</sup> *History of Northumberland, passim.*

<sup>49</sup> *Rot. Scot.* i. 667, 670. A treaty concluded between England and Scotland in 1449 states that the Marches extend from Newcastle and Penrith to Edinburgh and Dumfries (Rymer, *Foedera*, xi. 231).

<sup>50</sup> In 1315 Anthony Lucy was given the custody of Hexham, Tynedale, and Aldeston during the vacancy of the see of York (*Rot. Scot.* i. 152), Andrew Harcla

Durham in a commission issued in 1346 appointing the archbishop of York and the bishop of Durham, with Henry Percy, Ralph Neville, and the sheriff of Yorkshire, *custodes Marchiarum regni Angliae versus partes orientales tam in libertatibus . . . de Tynedale ac . . . de Hextildesham et . . . de Norham et etiam in episcopatu de Dunelm. et quibuscumque aliis libertatibus in partibus illis . . . quam . . . extra*.<sup>51</sup> In 1362, however, the Wardens were directed to keep the truce in Tynedale, Redesdale, Hexham, Norham, and Bedlingtonshire as in the rest of Northumberland;<sup>52</sup> and when the last Umfraville earl of Angus died in 1381, Tynedale, Redesdale, and Hexham with the part of Northumberland lying west of the high road from Newcastle to Roxburgh, were formed into a separate March called the Middle March, the East March being reduced to the part of the shire lying between that road and the sea.<sup>53</sup>

Even when the whole of the March shires had thus been brought under the authority of the Wardens, the distinction between the shire and its March remained a very real one. For the Warden's authority was still subject to the same limitations as the sheriff's. Even in the all-important matter of arraying the able men of the shire, he could summon the men of a liberty only through the lord or his bailiff.<sup>54</sup> At first, indeed, it had been necessary when appointing a Warden to issue writs to the lords of the liberties in his shire directing them to aid him and to array their men at his bidding.<sup>55</sup> Later, when the Wardenship had become a permanent office, it was found advisable not only to choose the Wardens from among the lords of liberties,<sup>56</sup> but also, whenever a Scottish invasion was expected, to issue commissions associating the other lords with them.<sup>57</sup> Even when this practice ceased, as it did in 1386, the limitation on the Warden's authority remained. To the end, he could exercise it only through the Keeper even in the royal liberties;<sup>58</sup> and in the others, if the lord

being then Warden of the March of Cumberland (*ibid.*, p. 149) and Henry Beaumont of Northumberland (*ibid.*, p. 150). <sup>51</sup> *Rot. Scot.* i. 670. <sup>52</sup> *Ibid.* i. 862.

<sup>53</sup> *Ibid.*, ii. 43. Tynemouth is not mentioned in any of the commissions, but in the sixteenth century it was included with the other liberties in the Middle March (*Hatfield Papers*, i. 31).

<sup>54</sup> *Victoria County History, Cumberland*, i. 315-22; *Cal. of Pat. Rolls, 1292-130*, pp. 315-16; Humberston's Survey, 1570, K. R. Misc. Books, 37, 38. So late as 1383 it was thought necessary to issue special mandates to the lords of liberties in the Marches to aid the Wardens (*Rot. Scot.* ii. 50).

<sup>55</sup> *Parl. Writs*, i. 301.

<sup>56</sup> From 1327 the Wardens of the East March were always the Percy lord of Alnwick and the Neville lord of Raby, with the Umfraville lord of Redesdale, and the Wardens of the West March were either the Clifford lord of Westmorland or the Lucy lord of Cockermouth, with the Dacre lord of Gilsland (*Rot. Scot.* i, *passim*).

<sup>57</sup> e. g. in 1346 (*ibid.* i. 669-70).

<sup>58</sup> Tynedale and Redesdale had their own Keepers even in Elizabeth's reign (*Cal. of State Papers, Foreign, 1559-60*, no. 349; 1558-9, nos. 311, 395).

or his bailiff did not call out the men of the liberty, they stayed at home.<sup>59</sup> In the keeping of the truce, the Warden's authority was subject to the same restriction. The treaty of 1249 had laid down that stolen goods must be claimed in the court of the lord on whose land they were found,<sup>60</sup> and it was probably owing to this limitation that commissions associating the chief magnates with the Wardens in keeping the truce were issued regularly down to 1386.<sup>61</sup> Then, indeed, these joint commissions ceased, as the concentration of most of the land in the March shires in the hands of the Percies, now the quasi-hereditary Wardens of the Marches, made them unnecessary. But even in the sixteenth century the Warden could not enter a lord's land to arrest one of his tenants, even for an offence over which the former alone had jurisdiction; he could only order the lord to produce the offender, and if he failed to do so, order him to redress the wrong his tenant had done.<sup>62</sup>

Paradoxical as it may seem, it was to the very limitations on their authority that the Wardens owed the growth of their power. For through them the king was forced to choose his Wardens of the Marches among the great lords who already had as seigneurs the powers he could not give them as his servants, and in the end these lords, adding royal to seigneurial authority, drew into their own hands the whole administration of the March shires until it could be said that there they knew no prince but a Percy, a Neville, or a Dacre.<sup>63</sup> And there was no remedy; for the king was wholly dependent on these over-mighty subjects for finding the fighting-men to keep the Marches. Long before the first Warden was appointed, the feudal levies of the March shires, never very numerous, had ceased to be available. In Cumberland and Westmorland only four tenants-in-chief, furnishing ten knights between them, held by knight-service; <sup>64</sup> the rest held by cornage, a tenure involving no military service beyond going to the border against the Scots.<sup>65</sup> In Northumberland, where on the contrary most of the tenants-in-chief held by knight-service, that service seems to have been rendered in the form of castleward at one of the royal castles in the county, either Bamburgh or Newcastle.<sup>66</sup> Thus, the Balliols held the barony of Bywell by the service of five knights or alternatively the payment of five

<sup>59</sup> See *Letters and Papers, Hen. VIII*, iv. i, no. 278, for a case in 1524.

<sup>60</sup> Nicolson, *Leges March.*, p. 6.

<sup>61</sup> *Rot. Scot.*, *passim*.

<sup>62</sup> *Cal. of Border Papers*, i, no. 273.

<sup>63</sup> *Cal. of State Papers, Foreign, 1569-71*, no. 568; *ibid.*, 1561-2, no. 323.

<sup>64</sup> *Victoria County History, Cumberland*, i. 319-20, 421.

<sup>65</sup> *Ibid.*, i. 312 ff. The account of cornage tenure given here by Mr. Wilson must be held to supersede that given by Maitland in his paper on 'Some Northumbrian Tenures', *ante*, v. 626 ff. The former is based on a much wider survey of the available material than the latter.

<sup>66</sup> *Testa de Nevill*, p. 381.

marks to the ward of Newcastle,<sup>67</sup> where they also maintained a baron's house, apparently for the use of their men when on duty; <sup>68</sup> and their tenants were enfeoffed on condition of paying one mark to the castleward of Newcastle for every knight's fee they held.<sup>69</sup> Now, Magna Carta, cap. 29 (cap. 24, as confirmed in 1217 and 1225), had made it clear that castleward was alternative, not additional, to going in the army, and gave the tenant the choice of paying his due in service or in money as he would. The intention had been to prevent the king from garrisoning the castles with foreign mercenaries as Henry II and his sons had done; but during the minority of Henry III that danger passed away, and from 1221 castleward silver paid in lieu of service became a fixed item in the sheriff's accounts.<sup>70</sup> Thus, when the war with Scotland began in 1296, the knights due from the Northumberland baronies were no longer available either for garrisoning the castles or for invading Scotland.

As for the shire-levies, although the king never lost his right to call them out whenever need arose, he could neither call them out save through their lord, nor call them to serve out of their own shire without pay. At the very beginning of the Scottish war this had been made clear to Edward I. In June 1297 Henry Percy and Robert Clifford, the captains of Cumberland and Westmorland, were obliged to sign a declaration that the voluntary offer by the lieges of those shires to join them in an expedition against the Scottish enemies of the king, which they alleged they were not bound to do, should not be made a precedent against them; and they bound themselves to procure the king's letters patent between the date of the declaration and Michaelmas next, declaring that the said expedition should not be turned into a service by them or their heirs. This declaration was duly confirmed on 20 September 1298,<sup>71</sup> and similar letters were

<sup>67</sup> Bain, ii, no. 2505.

<sup>68</sup> Ballard, 'Castle-guard and Barons' Houses', *ante*, xxv. 712. Mr. Ballard's view is supported by the statement in *Placita de Quo Warranto*, 592, that the lord of Bradford in Northumberland had to keep a house in the castle of Bamburgh ('per servicium . . . custodiendi unam domum in eodem castro tempore guerre ad custagia sua propria per quadraginta dies,' &c.) and pay 1 mark to it, as well as by the charter in the *Percy Chartulary* (Surtees Soc.), p. 371, granting a tenement 'in balliva castri nostri de Alwyk, iacens inter tenementum pertinens feodo de Follebury (held by knight-service, *ibid.*, p. 456) ex parte occidentali et tenementum Alani de Heton militis, et Walteri de Swynhowe ex parte orientali'. Comparison of Mr. Ballard's list of barons' houses in Newcastle with *Three Northumberland Assize Rolls*, pp. 355 ff., and *Testa de Nevill*, p. 381, shows that every barony owing castleward to Newcastle kept a 'house' there.

<sup>69</sup> Bain, i, no. 2505.

<sup>70</sup> 48 marks 4s. for Newcastle and 5 marks for Bamburgh, the money in each case going to the constable for keeping the castle: *Northumbrian Pipe Roll*, ed. Hodgson, col. 125 ff.; Dickson, *Northumberland Pipe Rolls of Edward I, passim*.

<sup>71</sup> Bain, ii, no. 899.

issued to the barons, knights, goodmen, and whole commonalty of Northumberland in January 1303,<sup>72</sup> and to the men of the bishopric of Durham in 1317.<sup>73</sup> Finally, in 1327 it was enacted that none should be constrained to go out of their county, but only for cause of sudden coming of strange enemies into the realm (1 Edw. III, st. 2, c. 3), and in 1344 that men-at-arms, hobelars, and archers chosen to go in the king's service out of England should be at the king's wages from the day they did depart out of the county where they were chosen (1 Edw. III, c. 7); which statutes, re-enacted in 1402 (4 Hen. IV, c. 13), have remained the basis of our military law until modern times.

The Crown, being thus unable to use its local forces to any extent for the defence of the Marches, fell back on the system of indenture, engaging captains to serve with a certain number of men for a certain time at a given wage.<sup>74</sup> Had the revenues of the Crown been less inadequate to its needs than they were, this might have enabled the king to ignore the restrictions on the Warden's authority; as it was, lack of money forced him to engage as his captains the men who had a personal interest in keeping the Marches safe, whether duly paid or not, and in any case retained plenty of fighting-men to keep their own castles there. Thus the Warden of the West March was almost always either a Clifford as lord of Westmorland or a Lucy as lord of Cocker-mouth and Coupland, with a Dacre as lord of Gilsland, the frontier barony, for colleague; and the Warden of the East March was either an Umfraville as lord of Redesdale or a Percy as lord of Alnwick, Warkworth, and Berwick Castle, with a Neville as quasi-hereditary steward of Durham and constable of Norham for colleague; until by the marriage of Henry Percy, first earl of Northumberland, with the widowed countess of Angus, Maud, sister and heiress of Anthony Lucy, in 1386<sup>75</sup> the Percies became the natural Wardens of the whole March. Then, not only did the commissions joining the leading magnates and March officials with the Warden in keeping the Marches and the truce cease (1386), but the number of Wardens in each March, which had never been less than two since 1333, was permanently reduced to one (1390).

At the same time there was being concentrated in the hands of the Warden as such most of the offices and lands belonging to the Crown in the March shires, partly in order that he might have the men of the Marches better under control, partly in order to supply him with the wherewithal to pay for the defence of the border. At first the wages of the Wardens and their men

<sup>72</sup> *Cal. of Pat. Rolls, 1301-7*, p. 101.

<sup>74</sup> There are many of these indentures in Bain, ii-iv.

<sup>75</sup> De Fonblanque, *Annals of the House of Percy*, i. 139.

<sup>73</sup> *Rot. Scot.* i. 169.

were paid by the treasury out of the Crown revenues and subsidies; <sup>76</sup> but when the strain increased, Edward I began to satisfy the demands of his soldiers by grants of land in Scotland. <sup>77</sup> After Bannockburn, however, Scotland could no longer be made to pay for the war, the cost of which had thenceforth to be met out of English resources. Now, the sense of national unity and national responsibility was as yet imperfect, and parliament, in which northern interests were but poorly represented, <sup>78</sup> persisted in treating the defence of the Marches as a merely local affair, and only remitted to the March shires their share of direct taxation. <sup>79</sup> So the Crown had to find the money for the border service as best it could.

In the West March, where the Warden had but 200 marks a year with 300 more for keeping Carlisle, the cost was easily met out of the issues of Cumberland with £20 from the exchequer for four lieutenants or deputies, and the rest of the March officers were paid out of the king's manors there, which were always leased to the Warden for his term of office, with a varying sum for the fighting-men retained by him. <sup>80</sup> In the East March, where the Warden's wage was likewise 200 marks, <sup>81</sup> the charge was at first met in the same way; but the issues of Northumberland were so much reduced by the Scots raids <sup>82</sup> that Edward III had to fall back on the Crown lands there, granting them to the Warden on condition of service. <sup>83</sup> When parliament made the first statute against retainers in 1327, <sup>84</sup> the lands had to be given outright to the then Warden, Henry Percy, who soon acquired all

<sup>76</sup> Bain, ii, no. 1044.

<sup>77</sup> *Ibid.*, ii, nos. 1208, 1338, 1762.

<sup>78</sup> Among the counties Durham was not represented at all; the towns represented were York, Hull, Newcastle, Carlisle, and Appleby.

<sup>79</sup> The Parliament Rolls contain many petitions from the northern shires for the remission of taxation in consideration of the burden imposed on them by reason of their proximity to the Scots, and in the sixteenth-century subsidy statutes a clause exempting these shires was always inserted.

<sup>80</sup> *Cal. of Pat. Rolls, 1327-30*, pp. 165, 245; *Letters and Papers, Henry VIII*, iv, iii, no. 5906; vii, no. 1018; xii, ii, no. 249.

<sup>81</sup> *Cal. of Pat. Rolls, 1327-30*, p. 163. The amount paid to the Warden in the fourteenth century varied a good deal, but as 200 marks was the wage for the wardenship of the East March alone in 1347 (*Rot. Scot.*, i, 705) and in 1537 (*Letters and Papers*, xii, ii, nos. 249, 250), we are probably justified in assuming that this was always the wage for the wardenship and that the larger sums paid to the Warden, e. g. in 1388 (Bain, iv, no. 377), were for the wages of the guard.

<sup>82</sup> In 1370 the sheriff of Northumberland had to be exonerated at the exchequer from the rents and profits of the county, as the lands had been so wasted that he had levied nothing (Bain, iv, no. 174).

<sup>83</sup> These were the Clavering lands, including Warkworth, Corbridge, and Rothbury, which should have reverted to the Crown, but were given to Henry Percy in 1329 on condition of serving the king with a certain number of men-at-arms in peace as in war, the grant being in exchange for a wage of 500 marks a year (Dugdale, *Baron. Angl.* i, 273-4; *Cal. of Pat. Rolls, 1327-30*, p. 243).

<sup>84</sup> 1 Edw. III, c. 15; cf. *Rot. Parl.* ii, 62.

the Crown lands in Northumberland<sup>85</sup> save the old demesne lands set aside for the maintenance of Bamburgh and Newcastle.<sup>86</sup> Thus nearly the whole cost of keeping the East March was thrown on the exchequer just when it was more than trebled by the capture of Berwick and Roxburgh.<sup>87</sup> The creation of the Middle March added another 200 marks a year to the cost;<sup>88</sup> and by the end of the fourteenth century the Warden's wages for himself, his lieutenants, and 500 men, 200 as a guard and 300 in garrison,<sup>89</sup> had risen to £1,000 in peace, 2,000 marks in war, paid partly out of the exchequer, partly out of the customs of Berwick, Newcastle, and Hull.<sup>90</sup> Over and above his regular wage the Warden also had the fines and forfeitures of his court, which amounted in 1399 to £1,000 a year in the East March alone,<sup>91</sup> as well as the income of the various offices that were given to him in order that he might have the men of the March better under his command, such as the captaincies of Berwick and Carlisle, the keeperships of Tynedale, Redesdale, Norham, Bamburgh, and Dunstanburgh, the stewardships of the bishop of Carlisle, of the abbot of Holme Cultram, and of the priors of Carlisle and Wetheral, and even the shrievalty of Northumberland.<sup>92</sup> These, however, were of small value, and the Warden of the East March really depended on the exchequer for the means to pay his men. When it failed to meet its obligations, as it did more than once even in the fourteenth century, the Warden and his men threatened to withdraw from the March.<sup>93</sup> Not until Henry VII was able to assign for the upkeep of Berwick and the East and Middle Marches the forfeited York and Neville lands with Richmond, Kendal, and Barnard Castle<sup>94</sup> could the king be independent of the March lords and their retainers.

It is this that gives significance to the grant of authority to appoint deputies under his own seal that was made to the Warden in 1399. Deputies for certain purposes he had probably always been allowed to appoint; for as early as 1334 there is a reference in the Warden's commission to deputies appointed by him to

<sup>85</sup> Especially, he got the earl of Dunbar's lands in 1335 (Bain, iii, no. 1142; Bates, *Border Holds*, p. 94; *Percy Chartulary* (Surtees Soc.), nos. cccclxxvi, dccxxvii).

<sup>86</sup> *Northumbrian Pipe Roll*, ed. Hodgson, *passim*.

<sup>87</sup> The fee for keeping Berwick Castle was 100 marks in peace, £200 in war (Bain, iv, no. 464), for Berwick Town (1362) £500 (*ibid.*, iv, no. 69), and for Roxburgh (1355) £500 (*ibid.*, iii, no. 1655).

<sup>88</sup> *Letters and Papers, Henry VIII*, xii, ii, no. 249.

<sup>89</sup> *Ibid.* iv, no. 5920.

<sup>90</sup> *Ibid.* i, no. 178; *ibid.*, iv, no. 1460; Bain, iv, nos. 377, 399.

<sup>91</sup> *Proc. and Ord. of the Privy Council*, ii, 136.

<sup>92</sup> *Letters and Papers*, xii, ii, no. 249 (6); iv, no. 1460; Cotton MS., Caligula, B. iii, 65; Pat. Roll, Hen. VII, p. 1, m. 6.

<sup>93</sup> Bain, iii, nos. 1463, 1524; *Proc. and Ord. of the Privy Council*, ii, 136.

<sup>94</sup> 11 Hen. VII, cc. 35, 61.

array the men of his March, and another in 1362 to deputies appointed by him to keep the truce.<sup>95</sup> Still, he had no power to appoint a lieutenant to govern the March in his absence with power as full as his own; and in 1334, when Henry Percy, the then Warden, was to invade Scotland, a commission was issued associating Ralph Neville with him.<sup>96</sup> Thenceforth Edward III, who had hitherto followed his father's practice of appointing only one Warden in each March, appointed two. This practice, as we have seen, ceased in 1390, when the earl of Northumberland was appointed Warden of the East and Middle Marches and his son, Harry Hotspur, Warden of the West March;<sup>97</sup> and from the beginning of the fifteenth century we have references in the Wardens' commissions to lieutenants appointed by them to act with full powers during their absence.<sup>98</sup>

Probably it was at this time that the administration of the Marches was organized in the form it was to keep to the end; but, the officers being appointed by the Warden under his own seal, we have no precise knowledge of this before the end of the fifteenth century, when the king sought to acquire control of the Marches by appointing his own sons to the Wardenship. In March 1500, however, there were appointed for the little Duke of York, the future Henry VIII, Warden-general of the Marches since 1495,<sup>99</sup> a lieutenant and four deputy-wardens with four warden-serjeants and other inferior officers in each March;<sup>100</sup> and as there is no hint anywhere that this organization, which remained unchanged throughout the sixteenth century,<sup>101</sup> differed in any way from that of an earlier day, we may perhaps assume that from the beginning of the fifteenth century at least each Warden had under him a lieutenant and two or four deputy-wardens besides other officers, all of whom were appointed by himself under his own seal and were therefore as a matter of course chosen among his own retainers. Besides these there were also the constables of castles and stewards or bailiffs of liberties in the Marches whose appointment was in the king's hands. From an early date, as we have seen, it had been customary to bestow many of these offices on the Warden in order that he might have the men of the March better under control, and for the same reason he was allowed to nominate to the rest of them,<sup>102</sup> with the result that all of them were likewise filled by his retainers.

<sup>95</sup> *Rot. Scot.* i. 276, 862.

<sup>96</sup> *Ibid.* i. 276-7.

<sup>97</sup> *Ibid.* ii. 105, 110.

<sup>98</sup> Sir James Harrington was lieutenant for the duke of York in 1415 (*ibid.*, ii. 213); and there were lieutenants of Henry Percy, earl of Northumberland, Warden of the East March in 1417, and of Richard Neville, earl of Salisbury, Warden of the West March in 1426 (*ibid.*, pp. 219 f., 226).

<sup>99</sup> *Ibid.* ii. 517.

<sup>100</sup> *Ibid.*; Bain, iv, no. 1661.

<sup>101</sup> *Letters and Papers*, iv, no. 1460; xii. ii, nos. 249, 250.

<sup>102</sup> *Ibid.* iv, nos. 1460, 5085; i, nos. 4520, 5090.

This monopoly of control over the border-service had a two-fold consequence: it made the Wardens masters of the only forces in the pay of the Crown that were always under arms, and at the same time drew all the ablest men in the March shires into their personal service as the only road to advancement, even so great a lord as Neville of Raby being glad to become the earl of Northumberland's retainer.<sup>103</sup> It is therefore unnecessary to do more than mention the suggestion that has been made<sup>104</sup> that in the fourteenth and fifteenth centuries as in the sixteenth the Warden was assisted and in a measure controlled by a council in the Marches appointed by the king. A council the Warden certainly had, for in those days every great lord had one to assist him both in the management of his estates and in the discharge of the public offices he held;<sup>105</sup> but it was equally certainly appointed by the Warden himself and not by the king. It would indeed have been useless for the king to appoint a council in the Marches to assist and control the Warden when the very men he would have appointed, the leading officials and gentlemen of the March, were the Warden's personal retainers and probably already members of his council. Only when the Warden was one of his own sons and too young to appoint a council for himself did the king do so. Yet the appointment of such a council was the obvious means to control the Wardens when their power had become so great as to be dangerous to king and kingdom alike, and it was that chosen by the Tudors. It is therefore interesting to note that the one attempt made before their day to control the Wardens took the form of appointing what was in all but name a council in the Marches exercising all the power of the Wardens and not merely assisting them.

It came about in this way. When John of Gaunt took advantage of his eldest brother's absence in France to engage with the earl of March in a struggle for supremacy, one of his first acts was to bring the Northern Marches under his own control, probably to counterbalance the fighting strength that his rival could draw from the Welsh Marches. He began by getting some of his own friends associated in the wardenship. In 1370 Lords Latimer and Scrope were joined with the bishop of Carlisle, the earl of Angus, and Roger Clifford as Wardens and keepers of the truce in the West March, and with the bishop of Durham, Angus, Henry Percy, and John Neville of Raby in the East March.<sup>106</sup> From time to time other men with no border connexions, such as Lord Roos of Hamelak, Lord Mauley, and John Appleby, dean

<sup>103</sup> In 1328 Henry Percy retained Ralph Neville by giving him £100 out of the issues of Pocklington and Topcliffe for life (*Cal. of Pat. Rolls, 1327-30*, p. 308).

<sup>104</sup> Lapsley, *op. cit.*

<sup>105</sup> Stubbs, *Const. Hist. of Engl.* iii. 559.

<sup>106</sup> *Rot. Scot.* i. 939.

of St. Paul's, were added,<sup>107</sup> and for some years the wardenship was practically vested in Angus as Warden-general and a council in the Marches appointed by the king and recruited chiefly from 'inland' men in the service of the duke of Lancaster himself. The Marchers were deeply offended, and their leader, Henry Percy, was won away from the earl of March's party only by being made marshal of England and earl of Northumberland.<sup>108</sup> In 1380, however, Lancaster, about to invade Scotland, obtained his own appointment as the king's lieutenant in the Marches with full authority over all men there, including the Wardens.<sup>109</sup> The anger roused in the Marches led to the refusal of Sir Matthew Redman, deputy-captain of Berwick under the earl of Northumberland, to admit the duke when returning from Scotland, pleading the command of his master, 'a princypall and soveraigne of all the heades of Northumberland'.<sup>110</sup> Such defiance of the lieutenant's authority could not be overlooked; but it is significant that although Northumberland's wardenship was for a time confined to his own lordships of Alnwick and Warkworth, he was not deprived of it altogether.<sup>111</sup> He was, in fact, too powerful to be set aside, since Angus's death in 1381 had left him without a rival in the North. So in 1383 the quarrel with Lancaster was ended by the earl making an indenture with the duke to rule all the Marches and hold Berwick, Carlisle, and Roxburgh as his retainer and to be admiral of the North,<sup>112</sup> receiving in addition to his pay as Warden 6*d.* on the pound and 2*s.* on the tun granted for the keeping of the sea within the admiralty of the North.<sup>113</sup> At once Northumberland regained all his old power; and three years later, on his marriage with Angus's widow, not only did the joint commissions to keep the Marches and the truce cease, but the power that the late commissioners had had of arranging for March-days and of making truces with the Scots was given to the Wardens.<sup>114</sup> Thus the first attempt to wrest the control of the Marches from the over-mighty subjects there simply made them stronger than before.

For another century no other means could be found to keep the Marches even nominally under the control of the Crown than to divide them between the Nevilles and the Percies, setting each to watch the other. It was only the ruin of the more powerful branch of the Nevilles and the murder of the Earl of Northumberland in 1489 that enabled Henry VII to bestow the warden-generalship on his own sons Arthur and Henry in succession and give the rule of the Marches to 'mean men', the knights and

<sup>107</sup> *Ibid.* i. 945, 967, 983.

<sup>109</sup> *Rot. Scot.* ii. 27.

<sup>111</sup> *Rot. Scot.* ii. 54.

<sup>113</sup> *Rot. Scot.* ii. 62.

<sup>108</sup> *Dict. of Nat. Biogr.*

<sup>110</sup> Walsingham, *Hist. Angl.* ii. 44.

<sup>112</sup> i. e. from the Thames northwards.

<sup>114</sup> *Ibid.* i. 958; ii. 81.

gentlemen of moderate fortune whom he chose to form the councils that governed Marches in their name.<sup>115</sup> His success, however, was due to special circumstances, and his son strove in vain to follow the same policy.<sup>116</sup> In the end it became clear that the Crown would never bring the Marches under its own control until it had possession both of the March liberties and of the Percy and Dacre lands. This Henry VIII and Elizabeth achieved by foul means rather than by fair and at the cost of two great rebellions and countless conspiracies. Lands and offices alike were then given to 'inland' men who allowed the borders to decay, and disorder became so rife that when the union of the crowns at last swept away the need for the wardenship it needed three acts of parliament and the labours of a new council in the Marches for nearly a quarter of a century to undo the harm wrought by the Tudor policy.

R. R. REID.

<sup>115</sup> Such as Sir William Tyler, captain of Berwick from 10 February 1488 (*Rot. Scot.* ii. 484), and constable of Bamburgh from 22 January 1487 (Bates, *Border Holds*, p. 258 n.), John Cartington of Cartington and Dilston, and his son-in-law, Edward Radcliff (*ibid.*, p. 397), constable of Warkworth (*ibid.*, p. 425), who with John Heron of Ford and the bishop of Durham were formed into a council to rule the East and Middle Marches for the duke of York in 1495 (*Rot. Scot.* ii. 516).

<sup>116</sup> By making his natural son, Henry Fitzroy, Warden-general in 1525 (*Letters and Papers*, iv, no. 1510).

## *The Irish Levies during the Great French War*

AT the time of the outbreak of the Great War with France Ireland in military matters was largely independent of Great Britain. The 'Irish Establishment', that is to say, the force maintained out of Irish funds, was under the direct control of the lord-lieutenant, as the king's representative. The strength at which the establishment should be fixed was decided by vote of the Irish parliament, and the cost of its equipment and support was defrayed from the same source. Appointments in the commissioned ranks were made by the lord-lieutenant; subject to the king's approval. Ireland had its own war office (the military department of the chief secretary's office), its own commander-in-chief, and its own ordnance office (or, as it would now be called, ministry of munitions). The establishment in peace time consisted normally of 15,000 men, 12,000 of whom formed the home garrison, the remainder being on foreign service.

A considerable portion of the garrison was raised locally. Four of the dragoon regiments in Ireland had been quartered there so long that they had acquired, as it were, a local association, and were known collectively as the Irish Horse. The artillery arm was represented by that interesting corps, the Royal Irish Artillery, whose name and traditions will be familiar to all who have read Sheridan Le Fanu's *House by the Churchyard*.<sup>1</sup> The infantry on the Irish Establishment seldom had any local attachment. There were in 1793 only two distinctively Irish regiments of foot in the British service, the 18th 'Royal Regiment of Irish' and 27th Inniskillings, each with a distinguished record going back to the campaigns of William III. No special effort, however, seems to have been made to send these corps to Ireland when on home service. In fact during the whole period of the war neither regiment paid more than a brief visit to its native country. The infantry in Ireland accordingly consisted as a rule of the ordinary British regiments, recruited more or less indiscriminately from all parts of the United Kingdom.

The approach of war was heralded, as is frequently the case

<sup>1</sup> For a more serious account see Major Crooks's *History of the Royal Irish Artillery*.

in the history of these islands, by a reduction of the armed forces. In the earlier months of 1792 the establishment had been reduced by 3,000 men, 1,000 being taken from the home garrison, and 2,000 from the contingents for foreign service. The initiative in this proceeding appears to have come from the Irish government, though the house of commons was consulted and expressed its approval.<sup>2</sup> However, the measure was not destined to take permanent effect.

By January 1793 the government seems to have become aware of the gathering storm, and began to raise troops in all haste. In February of that year parliament authorized an addition of 5,000 men to the original establishment of 15,000 men.<sup>3</sup> Every regiment in Ireland, whether horse or foot, was directed to increase its strength. At the same time a number of men was raised by officers recruiting for what were known as the 'independent companies'. These were small units, not attached to any regimental organization and called into existence solely for the purpose of recruiting. Their special advantage in the eyes of the authorities was that they could be readily moved about, as occasion required, and could, when completed, be drafted into any corps which needed strengthening. In the early months of 1793 recruiting was very brisk in Ireland, and a return dated 20 May 1793 shows that no fewer than 44 independent companies had their head-quarters in the country, 15 of them having their ranks full; 2,697 men had been raised by this method, of whom 2,308 had been embarked for Great Britain.<sup>4</sup> The chief dépôt for these companies was at Duncannon Fort, on Waterford Harbour.

The drawbacks of this system, however, were so considerable as to lead to its speedy abandonment. When the first eager rush of volunteering was over, the independent companies ceased to have much attraction for the likely recruit. Most young men preferred to exercise some choice as to their future comrades and associations, and hesitated to place themselves so completely at the disposal of the government. Enlistment in a regiment whose officers and men they perhaps already knew was a different matter. Furthermore, these companies, consisting mainly of recruits, were necessarily undisciplined, and desertion played havoc with their numbers. 'Fraudulent enlistment', or 'bounty-jumping', as it was called, became an easy and lucrative means of livelihood. A recruit might enlist in one company, receive

<sup>2</sup> Westmorland to Dundas, 10 February 1792 (Government Correspondence Book, Military). Unless otherwise stated, documents quoted are in the Public Record Office of Ireland.

<sup>3</sup> Westmorland to Dundas, 8 February 1793 (Government Correspondence Book, Military).

<sup>4</sup> Return entered in Government Correspondence Book, Military, 1793.

the handsome bounty allowed by law, and then desert, tramp to the head-quarters of another company, perhaps fifty miles away, re-enlist, of course saying nothing as to his former experiences, receive a second bounty, and so indefinitely. Accordingly it was the invariable practice to remove an independent company, as soon as its numbers were completed, to another station as far as possible from the place where it was raised. Thus the English companies were sent to Ireland and vice versa.

It appears from many indications that recruiting was extraordinarily successful in Ireland in the early years of the war. The nobility and country gentry, a class experienced in military affairs and possessing great influence and exact knowledge of local conditions, threw themselves whole-heartedly into the task of raising men. In 1793 and 1794 as many as thirty new regiments were raised in Ireland or from Irish recruits. Of all this mass of new formations only four units survive as Irish regiments to this day. First comes that raised by Colonel William Fitch in the city of Dublin. It was numbered as the 83rd Foot, having received a number early in its existence, largely, it would appear, in response to an appeal from the colonel himself. The document is worth quoting as it throws a curious light on the slight repute in which the nondescript independent companies were held. He asks that the regiment he is raising may be numbered in accordance with the plan laid down, giving as his reason that 'the common people in every part of Ireland entertain a decided prejudice against independent companies, which nothing but a number on the buttons and appointments of the regiments could do away'.<sup>5</sup> Fitch's regiment was 1,000 strong by January 1794,<sup>6</sup> and in December of that year authority was given him to raise a second battalion.<sup>7</sup> The 83rd, which was for many years known as the 'County of Dublin Regiment', has had a distinguished history and survives to this day as the 1st Royal Irish Rifles. Next in order of seniority is the 87th or 'Prince of Wales's Irish', raised by Colonel John (afterwards Sir John) Doyle.<sup>8</sup> This regiment, though undoubtedly raised by an Irish officer and recruited from Ireland, does not seem to have had its head-quarters in that country. Possibly, in order to avoid desertion, intending recruits were dispatched to some cross-channel dépôt or camp, where the actual training and organization took place. The 87th marked

<sup>5</sup> Memorial of Col. Fitch, December 1793 (Government Correspondence Book, Military).

<sup>6</sup> Memorial of Col. Fitch, January 1794 (Government Correspondence Book, Military).

<sup>7</sup> Westmorland to Duke of Portland, 29 December 1794 (Government Correspondence Book, Military)

<sup>8</sup> An adventurous and popular officer. He subsequently raised a Dromedary Corps in Egypt.

its Irish origin by adopting as its slogan the war-cry of 'Faugh a Ballagh' or 'Clear the Way'. It 'cleared the way' to some purpose in Egypt and the Peninsula, and is now the 1st Royal Irish Fusiliers. The 88th, which even from its earliest days seems to have borne the illustrious sub-title of 'Connaught Rangers', was also raised in 1793, and also, it would seem, in England from Irish recruits. It is likely that both this regiment and the 87th were formed from the men of the Irish independent companies, which had been transferred to England. The founder and first colonel of the 88th was the Hon. Thomas de Burgh, afterwards Lord Clanricarde, and probably the majority of the men came from the estates of that family in the west of Ireland. The 89th was raised in Ireland by General William Crosbie. Its strength was originally fixed at 600 men, but in May 1794, before its numbers had reached four-fifths of that total, the regiment was sent to Bristol to finish its recruiting there.<sup>9</sup> The 89th is now the 2nd Royal Irish Fusiliers.

Passing from these corps, which have had the good fortune to survive to this day, we find a great number of others, of whom *etiam memoriae pereunt*. Colonel George Hewitt raised a corps bearing the number 92 (afterwards made famous by its association with the Gordon Highlanders). It left Ireland in July 1794, about 540 strong, and seems to have had only a brief existence.<sup>10</sup> Mr. John Hely Hutchinson,<sup>11</sup> son of the well-known provost of Trinity College, Dublin, raised a corps of 600 men under the title, it would seem, of the 'Queen's Royal Irish' or the 94th Foot. It is described as having been raised very suddenly and 'of course without discipline'. It was soon afterwards broken up. A 94th appears in the Peninsular war, but it is a corps of Scottish origin, and of later date than Hutchinson's. Many years subsequently the 94th was again associated with Ireland, and it is now the 2nd Connaught Rangers. Colonel John Murray raised a regiment 600 strong, numbered as the 96th. It left Ireland for Bristol in May 1794. Colonel Eyre Trench, younger brother of the first earl of Clancarty, raised the 102nd Foot, also called, it would seem, the 'Irish Rangers'. It left Ireland in July 1794, not a moment too soon, as it had already suffered very much from desertion. On 18 May it is reported as being 600 strong, and the deserters are returned as 233 in number, or nearly 40 per cent. Colonel Maurice Keatinge, of Narraghmore, County Kildare, raised the 107th or 'Royal Hibernian' Regiment. It left Ireland in September 1794, about 500 strong. The 108th or 'Loyal Greys' was raised

<sup>9</sup> Westmorland to Dundas, 2 May 1794 (Government Correspondence Book, Military).

<sup>10</sup> The references to strength and date of embarkation of this and subsequent regiments are taken from contemporary Government Correspondence Books, Military.

<sup>11</sup> He won a peerage in Egypt and afterwards became earl of Donoughmore.

by Lord Granard, who was also at the time colonel of the Longford Militia. In his memorial<sup>12</sup> dealing with the formation of the regiment he dilates with some pride on his family's ancestral connexion with the army. His grandfather, the 4th earl, in 1756, raised three battalions of the 76th and 86th Regiments, which went to Goree. His great-grandfather raised 'the regiment now stiled the 18th Infantry, honoured with the title of Royal Irish from its gallant conduct at the siege of Namur'. The Loyal Greys numbered some 900 men in September 1794 on leaving Ireland.

The 110th or 'Loyal Hibernian Infantry' was raised by Hugh O'Donell, son of Sir Neale O'Donell, of Newport, Co. Mayo. By August 1794 it had attained a strength of 698 men, but only 500 mustered for embarkation in November of that year. The 112th was raised by Lord Donoughmore, and was about 700 strong at its embarkation in September 1794. The 114th was raised at Thurles by Lord Landaff, who, in his original proposal for raising the regiment, informs the government that he intends to recruit almost altogether from his own tenantry.<sup>13</sup> This corps, however, seems to have been recruited with more energy than discrimination. Its arrival in England was soon followed by a complaint from the duke of Portland that the regiment was very short of officers, having no captains and only 9 subalterns, and 'that the complaints of the greater part of the men on the sick return appear to be such as to render them unfit to be sent on any service'. Lord Westmorland replied with a *tu quoque* as regards regiments sent to Ireland from Great Britain, instancing the Breadalbane Highlanders as 'without clothing or accoutrements, and with only 60 stand of arms', and the 106th Regiment with 200 sick owing, as their commanding officer states, 'to the regiment being naked, and for want of their long clothing, that their miserable jackets are all worn out, and that they have no shoes to their feet'.<sup>14</sup> In August 1794, just before its embarkation, Lord Landaff's regiment numbered some 680 men. The 118th was raised by Colonel Richard W. Talbot, afterwards Lord Talbot de Malahide, who, it would seem, in order to avoid desertion, fixed his head-quarters in the Isle of Man and maintained only a recruiting centre and forwarding dépôt in Dublin. The 119th was raised by Colonel John Rochfort, of Cloghrenane, Co. Carlow, and sailed in November 1793, about 480 strong. The 121st or 'Loyal Clare' was raised by Colonel Francis Macnamara, of Moyriesk, Co. Clare, and embarked at Bunratty, on the Shannon, in December 1794,

<sup>12</sup> August 1794 (Government Correspondence Book, Military).

<sup>13</sup> Landaff to Westmorland, 6 February 1793 (Government Correspondence Book, Military).

<sup>14</sup> Westmorland to Portland, 24 December 1794 (Government Correspondence Book, Military).

about 430 strong. The 122nd was raised by the Hon. John Stratford, afterwards earl of Aldborough, and mustered about 520 at the end of 1794. The 124th or 'Waterford Infantry Regiment' was raised by Colonel Carr Beresford.<sup>15</sup> The 126th or 'Royal Leinster' was raised by Lord Mountnorris and left Ireland in October 1793, 420 strong. The 127th was raised by Colonel John Francis Cradock, afterwards Lord Howden, in Ireland, about September 1794. Colonel the Hon. H. E. Fox, son of Lord Holland and brother of the celebrated statesman, in December 1793 obtained permission to raise a regiment of 600 men. This corps was numbered as the 131st, but it is doubtful whether he was successful in filling up its ranks. In December 1794 the headquarters left Ireland, the corps then having a strength of only 160 men. The 135th was raised by Sir Vere Hunt, of Curragh Chase, Co. Limerick, but appears to have had a very short existence, having been 'drafted' into regiments preparing to take the field under Sir Ralph Abercromby.

Four other regiments can be traced, which do not seem to have received numbers. One of these was raised by the Hon. Robert Ward, of Bangor Castle, Co. Down, son of Lord Bangor; another, a Londonderry regiment, by Lord Conyngham; a third was partly raised by Lord Belvedere, who, however, found himself obliged, for personal reasons, to relinquish the task, which was afterwards entrusted by government to Major Charles McDonnell, of New Hall, Co. Clare. The fourth of these unnumbered regiments is an interesting corps, about which, however, few particulars are available, namely, the 'Duke of York's Royal Dublin Infantry'. In July 1794 the corporation of the city petitioned to be allowed to raise a regiment, to be commanded by one of the king's sons. The request was granted, the desired royal title was conferred, and the authorities left in the hands of the corporation the enlistment of men and appointment of officers, except the colonel commanding, 'satisfied', as Lord Westmorland says, 'that officers only of approved loyalty and experience would receive the protection and countenance of the city on this occasion'. Subsequently, however, the lord-lieutenant was informed that the corporation 'had proceeded to elect in a manner not unlike a ballot the persons who were to be recommended for commissions'. An official protest was addressed to the lord mayor, who expressed regret and eventually indicated a willingness to leave the appointments of officers to the lord-lieutenant, only asking him 'to receive favourably the recommendations of their friends'.<sup>16</sup> However, the regiment seems to

<sup>15</sup> The famous fighting general. He was in command at the battle of Albuera.

<sup>16</sup> Westmorland to Portland, 3 December 1794 (Government Correspondence Book, Military).

have had only a short existence. Corporations are not ideal bodies for recruiting, which above all things requires the stimulus of a personality.

At the same time four new cavalry regiments were raised—the 30th Light Dragoons by Sir John Carden, of Templemore, Co. Tipperary; the 31st Light Dragoons by Colonel William Sentleger; the 32nd Light Dragoons by Henry Joseph Blake, member of parliament for County Galway; the 33rd Light Dragoons by James Stevenson Blackwood, member of parliament for Killyleagh, afterwards Lord Dufferin.<sup>17</sup> These mounted troops were mostly recruited from the farming classes, and it was not an uncommon occurrence for a young man to join, bringing his horse with him. The infantry, on the other hand, were drawn, mostly, from the poorer class of city artisans and rural labourers. The Royal Irish Artillery, too, was doing its part, sending company after company on foreign service, and raising others to take their place.

Estimating the average strength of a new infantry regiment at 600 men, and that of a new cavalry regiment at 400, and making some allowance for enlistments in the old line regiments and departmental corps, it may be reckoned that Ireland, in the first two years of the war, raised 25,000 men for the regular army. This seems a very small figure in the light of recent experience, but it was a good contribution in those days of small armies, and probably amounts to a third, if not a half, of the total forces raised by the United Kingdom during the period.<sup>18</sup> Most of these young regiments had a chequered and transient existence. They were hurried across the Channel, while still undisciplined, ill-organized, and sometimes ill-clothed and ill-equipped. Then after some months' training they were considered fit for garrison duty and were usually sent to colonial stations to release more seasoned troops for service in Europe. In these outposts of the empire the young regiments suffered severely, more from the unhealthiness of tropical climates than from the bullets of the enemy. In many cases, after a year or two of foreign service, a regiment was found to be so depleted that it was not worth preserving as a separate unit, and was accordingly broken up, and its men drafted into other corps. In 1795 the duke of York, then commander-in-chief, by ordering the breaking up of all regiments bearing numbers higher than 100, abolished at a stroke the greater part of the newly-raised regiments, both British and Irish. But, though the regiments perished, the

<sup>17</sup> I am indebted to Mr. T. U. Sadleir, M.R.I.A., for many interesting details concerning the founders of these regiments. It has been a great privilege to avail myself of his wide knowledge of the history of the country gentry.

<sup>18</sup> Of 64 new regiments shown in the Army Lists of 1795, 30 were of Irish origin.

men survived and did good work in the corps to which they were drafted. There was little glory or even credit to be gained in the earlier campaigns of this war, but subsequently Irish soldiers in large numbers shared the glories and the hardships of Abercromby's Egyptian campaign.

Besides this increase in regular troops, auxiliary forces of various kinds were organized. Perhaps the most notable of these, both from a military and constitutional aspect, was the Irish militia, which was called into existence by an Act of 1793.<sup>19</sup> Though English invaders and settlers set up many of their familiar institutions in Ireland, it does not appear that they ever established anything corresponding to the English militia system. In the medieval period the military system of Ireland presents all the characteristics of feudalism. The lord-lieutenant leads out his personal bodyguard, the great lords of the Pale follow with their retainers, and friendly chiefs bring their tribesmen to act as light troops. Campaigns were seldom protracted, were usually arranged to suit the convenience of the farmer or husbandman, and, generally speaking, were merely 'punitive expeditions', burning and pillaging raids directed against troublesome neighbours. When feudalism began to weaken in Ireland, there was no local military organization capable of taking its place, and, as a consequence, the country was more than once left utterly defenceless in a great war. In the eighteenth century the establishment of a militia was frequently proposed, but usually with the understanding that it should be confined to protestants. The ruling classes feared the consequences of allowing the Roman catholics of the country to become disciplined and acquainted with the use of arms. On the other hand, the project of a 'Protestant militia' was impracticable, for, except in the north, protestants were seldom of the class which might be expected to furnish recruits for the militia. They would 'volunteer' in an emergency, as they showed during the American war and again in 1796, but they would not enlist. It may be remarked in passing that the earlier volunteering would have been unnecessary and would in all probability not have taken place if there had been an adequate militia force in Ireland. It was in its origin a measure of self-defence and protection from privateering and attacks by sea, defence against which would naturally be the primary duty of a properly organized militia.

With the manifestation of a more tolerant spirit in the Irish parliament, it was hoped that the religious difficulty might be overcome, and indeed it is a significant fact that the Catholic Relief Act of 1793 was immediately followed in the Irish Statute Book by the Act for establishing the militia. The catholic was entrusted

<sup>19</sup> 33 Geo. III, c. 22 (Ireland).

almost at the same moment with arms and with voting power, but the expectation in both cases, was that he would use both these weapons under the direction of his landlord. Indeed the Militia Act expressly states that the new force is to be officered by the landed gentry, and one of its foremost provisions is that which requires property qualifications from militia officers on a scale ranging from £20 a year for an ensign to £2,000 a year for a colonel commandant. The commandant was appointed by the lord-lieutenant and in his turn appointed all the subordinate officers, subject only to a right of veto by the lord-lieutenant. Usually the commandant was a peer or the head of a well-known county family and, as might be expected, filled the commissioned ranks of the regiment with his connexions and friends. The strength of the new force was fixed at 16,000 men. The proportion to be contributed by each county was fixed in the Act, and arrangements were made by which deputy-governors (the predecessors of the modern deputy-lieutenants) were to be appointed in order to allot to each parish its proportion of the county quota. The method of raising men was, perhaps purposely, left somewhat vague, but it was laid down that if recruits could not be obtained in any other way, lists of eligible men were to be drawn up and the names of those who were to serve 'balloted for' on a certain day. The 'ballot', however, was a novelty in Ireland, was extremely unpopular, and led to riots in some of the places where it was enforced. Furthermore it was hardly necessary, for in 1793 recruits were still plentiful, and, even if the influence of the country gentry could not procure enough men, the offer of a comparatively trifling bounty was sufficient to fill the ranks. Balloted men were excused from serving if they could procure a substitute. Thus it became possible for districts, by raising funds for the purchase of substitutes, to obtain complete immunity from the operation of the Act. The term of service was fixed at four years, and the militia was not to be called on to serve outside Ireland. The training period was fixed at twenty-eight days annually, and it was enacted that if the militia of more than four counties was embodied for service, parliament was to be summoned by the lord-lieutenant. The new force, though not without its defects, did excellent work and soon became indispensable. Its strength was increased from time to time, and during the war usually stood at a figure of some 20,000 to 25,000 officers and men.

Three years later, as the result of a spontaneous outburst of feeling, a permanent volunteer organization took its place beside the militia. It had for some time been evident that sooner or later disaffection in Ireland would take the form of armed rebellion, probably supported by aid from abroad. The foundation of the yeomanry, as the new force was called, was really a counter-

stroke to the efforts of the United Irishmen. It was largely a middle-class movement. The well-to-do and comfortable classes, the tenant farmers of the country and the tradesmen of the towns, were distrustful of the 'Jacobinism' which they detected in the principles of the United Irishmen, and banded themselves together in 'armed associations' to preserve the peace of their districts. Subsequently the government extended official recognition and support, provided arms, equipment, and clothing, and the services of non-commissioned officers as instructors. But it must always be remembered that the yeomanry was a volunteer police rather than a military force. It was not formed into county regiments, as the militia was, but was dispersed over the country in small companies of cavalry and infantry, which seldom contained more than a hundred men. In some neighbourhoods each parish had its own corps. An establishment paper of 1803 states that the force then consisted of 769 separate corps, containing 75,650 men. Leinster furnished 260 corps and 24,906 men, Ulster 259 corps and 30,338 men, Munster 165 corps and 14,058 men, Connaught 85 corps and 6,348 men.<sup>20</sup> This probably represents the high-water mark of the force, as the time was one in which invasion was threatened, and therefore volunteering was likely to produce the best results. The membership of these corps was not originally restricted to any particular creed, religious or political, but from the beginning the protestants were in the majority, and as admission to many of the corps was, by the terms of their association, dependent on the votes of existing members, the yeomanry inevitably tended to become more and more linked with the protestant side in religion and the Orange party in politics. Its duties, which were to obtain and transmit information, to guard against local disorder and conspiracy, to preserve communications, to arrest and escort prisoners, to provide sentries and guides, were discharged with great zeal and fidelity and, on occasion, with considerable courage and audacity. But the cardinal defect of the force was its lack of discipline and the fatal political tinge which coloured all its actions. The yeomanry officer, who was trusted with powers vitally affecting the liberty and happiness of his fellow subjects, was often too much under the influence of party feeling to preserve the detachment and impartiality desirable in those who administer the law. Harsh and violent measures were not unusual, and the system lent itself to petty tyranny and oppression. Ireland is no country for a volunteer police.

The qualities of yeomanry and militia were destined soon to be put to the sharp test of rebellion and foreign invasion, both of which they successfully surmounted. By far the most dangerous attempt at invasion was that made by Hoche's expedition in

<sup>20</sup> Yeomanry Estimates, &c., 1798-1833.

1796, which, though it eluded the British fleet, was eventually defeated by the elements and returned to France without effecting a landing. If Hoche had succeeded in landing his 16,000 men at Bantry, there was no force west of the garrison towns of Cork and Limerick which could have offered him any considerable opposition. Indeed, the plans for the defence of Ireland against invasion chiefly favoured at the time were based upon Fabian tactics—the embarrassment of the enemy by the destruction of roads and bridges and the removal of cattle and provisions wherever possible, and the withdrawal of outlying detachments to central positions or strong defensible lines such as that of the Shannon: By this means the enemy would grow weaker as he advanced, and the defending forces, mainly, it must be remembered, auxiliary or irregular troops, could be collected, disciplined, and organized. On the other hand, there were political disadvantages attaching to such a course, inasmuch as the enemy might use his freedom from active molestation to arm and train the disaffected of those parts of which he held the mastery, thus doubling or trebling his original power for harm. If, for instance, French invasion, instead of aiming at the comparatively tranquil south and west, had reached the more dangerous and rebellious north, it is conceivable that the enemy might have made a permanent lodgement in Ireland and confronted Great Britain with a situation at her doors similar to that ‘Spanish ulcer’, which afterwards drained off the strength of Napoleon’s power. However, rebellion and invasion were ill-concerted and ill-timed, and were on each occasion crushed in detail.

The rebellion of 1798 broke out in a quarter quite unsuspected. In May, when the rising began, the country was almost denuded of regular troops, especially of regular infantry. Nine regiments of foot had their head-quarters in Ireland, but some of these had just returned from serving abroad and were mere skeleton corps. Four of the nine were reduced to a strength of less than 100 rank and file. One, the 68th, returns its number as 28, not including officers and sergeants. The entire muster of these depleted units did not amount to more than 1,600 men. In addition to these there was a corps of 600 ‘Invalids’. Strange to say, the country was much better provided with cavalry. There were in Ireland on 1 May nine regular British regiments of horse, with one German corps, that of Hompesch, and the total mounted strength available was some 4,000 sabres. The deficiency of regular troops was made up by various auxiliary forces as follows :

Cavalry, 5 English and Scottish Fencible Corps, 2,000 men.

Infantry, 25 English and Scottish Fencible Corps, 10,000 men.

37 Regiments of Irish Militia, 23,000 men.<sup>21</sup>

<sup>21</sup> Army Returns, 1798.

It does not appear that there was any corps of artillery in Ireland at the time other than the Royal Irish Artillery. Thus the total strength of the Irish garrison was 6,000 cavalry and 35,000 infantry, two-thirds of the former and one-sixteenth of the latter being regular troops. Only a single regiment was quartered within the area which afterwards became the scene of the rebellion, namely the North Cork Militia, quartered in the town of Wexford. On the borders of the disturbed county lay the Antrim Militia at Arklow, and the Meath Militia and 13th Foot (the latter with only 86 rank and file) in the city of Waterford. The nearest cavalry regiment was the 9th Dragoons at Carlow. Evidently the government was not expecting serious trouble in the south-east. Its gaze seems to have been directed towards the southern and south-western coasts. A good half of the Irish garrison was stationed in Munster, being concentrated especially along the comparatively short line from Cork to Limerick, which an enemy coming from the great Atlantic bays would have to cross. There was another system of posts in the midlands, protecting Dublin. Ulster still detained a considerable force. It is also clear that if, as most historians agree, the rising in Wexford was provoked by unbearable ill-treatment, the regular army cannot be held responsible, seeing that at the outset there was no party of regular troops in the county or within several miles of its borders. The odium of these offences must be laid to the charge of the half-disciplined militia and the partisan yeomanry.

There is no need to relate in detail the oft-told story of the Wexford rebellion. The rising was dangerous and for a time successful. The authorities, however, were able to isolate the disturbed districts, being greatly helped by the geographical conformation of the county, which is separated on every side from its neighbours by defensible barriers of river or mountain. The tidings of the outbreak produced the greatest alarm in London. Reinforcements were evidently necessary at once, but the military authorities hardly knew where to obtain the men. It would be useless to send to Ireland any of the stricken battalions that had lately returned from tropical stations. In an interesting letter of 9 June 1798 the duke of York, writing to the duke of Portland, intimates that not more than 950 cavalry and about 8,000 infantry can possibly be sent from England, and of these no more than half would be regular troops, the rest being fencibles. Three regiments of Guards were to leave for Ireland with all speed. According to the letter they were to be carried to Portsmouth on carriages and be there embarked on ships of war.<sup>22</sup> A great force was soon concentrated on the rebellious county, finding easy access through the passes which had been so boldly

<sup>22</sup> Government Correspondence Book (Military), 1798-9.

attacked and resolutely defended. The rebellion soon ended with the capture of the insurgents' central stronghold at Vinegar Hill.

Fortunately for the authorities rebellion had not coincided with invasion. Two months after the battle of Vinegar Hill General Humbert with 1,000 veteran French troops landed at Killala and marched inland. But though he won a brilliant victory at Castlebar, the Connaught men held aloof for the most part, and he was soon surrounded and obliged to surrender. Many of the rebels who were captured were allowed to choose whether they would stand their trial or enlist in the army, with the tacit understanding that in the latter alternative no question would be raised as to their behaviour during the rebellion. Many were glad to accept this form of amnesty and were drafted into regiments in colonial garrisons. Their subsequent history is interesting. They appear to have been known collectively by the nickname of the 'Culprits', but as a whole they gained the commendation of their commanding officers and in numerous cases received rapid promotion. So late as 1803 there were still 1,290 ex-rebels in the garrison of the West Indies; the 1st Foot contained 223 soldiers of this class; the 37th, 205; the 57th, 150; and the 64th, 173.<sup>23</sup>

A further military result of the 1798 rebellion was the interchange of the British and Irish militia. Constitutionally neither of these forces could be obliged to serve outside its own country. This had led to dangers and difficulties. For instance, when English militia regiments were urgently required in Ireland in the early days of the Wexford rising, they could not be moved until the men volunteered for the service. On the other hand, it was highly desirable that some part, at any rate, of the Irish militia should receive a better training and disciplining than could be given in the innumerable small scattered garrisons of Ireland. Almost every country town had its little detachment of perhaps 50 or 100 men. Under these circumstances the soldiers either grew slack and careless in the discharge of their duties, or, if encouraged by their commanders, developed into 'village tyrants' of the worst kind. Sometimes, too, living in intimate relations with the civil population, they became tinged with the prevailing politics of the neighbourhood. There is little doubt that the United Irishmen had succeeded in tampering with the loyalty of several regiments. In order to avoid these evils the Irish militia was asked to volunteer for service in Great Britain, and responded with great alacrity and readiness. An Act was passed in 1799<sup>24</sup>

<sup>23</sup> Pelham to Hardwicke, 4 January 1803 (Government Correspondence Book, Military).

<sup>24</sup> 39 Geo. III, c. 31 (Ireland).

to enable the king to accept the services of Irish militia willing to serve in Great Britain or in Europe, and from this date to the end of the war about one-third of the force was usually stationed in Great Britain, for the most part in large training camps in the south of England.<sup>25</sup>

The disturbed state of public feeling which preceded and followed the rebellion seems to have had a bad effect on recruiting. Whereas in the early years of the war regiments were being raised on all sides, from 1796 to 1799 activity of this kind had almost ceased. Thomas Judkin Fitzgerald, the Tipperary sheriff whose severe and arbitrary measures during his term of office in 1798 had formed the subject of acrimonious debate in the Irish parliament, obtained permission in 1799 to convert his 'Ancient Irish' corps of yeomanry into a regiment of 'Ancient Irish Fencibles', which went to Minorca and afterwards to Egypt, where it served under Abercromby. At the same time it was discovered that the militia could be made useful as a source of recruits for the regular army. In 1800 an Act was passed to encourage and regulate the replenishment of the army in this way.<sup>26</sup> A limit was assigned to the quota to be furnished by each militia battalion, and certain line regiments, presumably those that were depleted by war or ill health, were allotted for the reception of recruits. There were two forms of enlistment open to militiamen—either for five years and limited to Europe, or for general service. Furthermore, arrangements were made by which militia officers could claim commissions in the recipient line regiments on a basis of one commission for every forty recruits obtained. The policy of using the militia as a reservoir for the regular army proved so successful that it was repeated on numerous occasions subsequently, and indeed it may be said that Wellington's victories could not have been won or his army maintained at full strength in the Peninsula, had it not been for the steady stream of recruits from the British and Irish militia. The Act of 1800 contemplated an Irish contribution not exceeding 10,000 men, and at least 7,000 volunteered, or about 30 per cent. of the total strength. They were destined to take part in brilliant exploits, for the battalions into which they went were, for the most part, sent to Egypt in the following year, and shared in the hazardous landing at Aboukir, and the subsequent trying desert campaign, which marked the overthrow of Napoleon's hopes in the east. Five Irish regiments bear on their colours the Sphinx in commemoration of 1801.

In 1802 came the peace of Amiens, which is now usually

<sup>25</sup> In 1811 the Irish militia was amalgamated with the British, forming a single force for the whole United Kingdom.

<sup>26</sup> 40 Geo. III, c. 1 (Ireland).

considered merely as a breathing-space in the struggle, not a settlement intended to be permanent. At the time, however, the military authorities in Ireland appear to have entertained no doubt that a long period of peace lay before them. The militia and fencibles were disbanded, and the garrison reduced from its war footing of 60,000 men to a peace strength of some 17,000.<sup>27</sup> This pathetic assurance of lasting peace, based on a disregard of all unfavourable omens, and combined with utter unpreparedness for war, is a marked characteristic of British history during the past two centuries. Its inevitable result is that, when war does come, defeats and humiliations occur in rapid succession throughout its earlier stages, and the enemy overruns the world, while we are laboriously improvising an army to put in the field against him. When hostilities were renewed in 1803, new regiments were raised in large numbers, just as in 1793, four of them being allotted to Ireland. They are described officially, however, not as 'regiments', but as 'levies', probably because the authorities did not wish to seem to pledge themselves to preserve them as separate units, if circumstances should render another course advisable.

The first of these levies, afterwards numbered as the 98th Regiment, was raised by Sir Thomas Burke, of Marble Hill, near Loughrea, its first colonel being his son, a young man of 22. It is said that Sir Thomas undertook to raise 1,000 men in six months, and successfully accomplished the task. The 98th went to Canada, and afterwards to the West Indies. It was disbanded after Waterloo, but its colours and a sword presented to Colonel Burke are still preserved at Marble Hill.<sup>28</sup> The second levy, later known as the 99th or 'Prince of Wales's Tipperary', was raised by Viscount Mathew in that county. It, too, was disbanded after the peace. The third, the 100th or 'Prince Regent's County Dublin', was raised by Frederick John Falkiner, of Abbotstown, near Castleknock. It experienced a great disaster early in its history, being caught in a gale on the Newfoundland coast, while on a passage to Quebec, with the result that several of the transports carrying the regiment were wrecked and nearly 300 lives were lost. This misfortune happened on the very day of the battle of Trafalgar. In Canada the 100th saw service in the American war of 1812-14, particularly at the battle of Niagara. It was disbanded after the war, was later revived as a Canadian regiment, and is now the 1st Battalion Leinster Regiment (Royal Canadians). The fourth of these levies was partly raised by Colonel Browne, but did not attain the status of a regiment,

<sup>27</sup> Hardwicke to Pelham, 17 December 1802 (Government Correspondence Book, Military).

<sup>28</sup> See T. U. Sadleir, *The Blakes of Marble Hill*.

as it was broken up, and its men drafted partly into the 78th, partly into the 87th. It is evident from many indications that the stream of recruits, which had been so steady in the early years of the war, was now beginning to slacken. The four levies just mentioned, taken together, appear to have raised on an average 100 men a week, and though they eventually reached the respectable total of 3,500 men, were not completed till February 1805. Concurrently with the raising of the four levies, ordinary recruiting was going on in Ireland and producing about 3,400 men per annum.<sup>29</sup>

After the defeat of the United Irishmen and the passionate struggle over the union of the parliaments there was a lull in domestic politics. Emmet's rebellion, though it enjoyed all the advantage of surprise, commanded little popular support and was easily suppressed. From the purely military point of view, it scarcely bulks larger than a riot in the streets of Dublin. But the French fleet was still active, and the French armies, pursuing their conquests, compelled more than one maritime nation to add its naval strength to that of Napoleon. So long as the enemy could dispose of considerable fleets, the great camp at Boulogne was an abiding menace to the security of the United Kingdom. Numerous measures were taken to cope with this danger, but perhaps the most remarkable was the adoption of a form of conscription for home defence. In 1803 legislation was carried, ordering the enrolment, by the quota system, of 48,000 men for service in the United Kingdom. In these Acts the precedent afforded by the regulations for enforcing the militia ballot was closely followed. The contribution from Ireland was fixed at 10,000 men, which was again subdivided into quotas for each county or large town.<sup>30</sup> Cork County, for instance, was assessed at 570 men, Mayo at 500, Down 425, while most of the other counties were rated at 350, 280, or 210 according to their estimated population. Dublin and Cork cities were each to furnish 280 men, and Limerick city 210. Further apportionment of the county or city quotas among the smaller territorial units was left to the local authority. It was provided that within ten days after the passing of the enactment, the governors and deputy governors of each county should meet to decide in what way the county should be subdivided for the purpose of enrolling the recruits, and how many men each such division should produce. In cities the mayor, aldermen, and other magistrates discharged the same duty. The local unit adopted was usually the parish, and the quotas required from each seldom amounted to more than five or six men. If the parish could produce that number of

<sup>29</sup> Return of January 1805 (Government Correspondence Book, Military).

<sup>30</sup> The Act relating to Ireland is 43 Geo. III, c. 85.

volunteers within eight weeks, it was released from the necessity of adopting compulsion. If not, the constable was directed to draw up and affix to the church door a list of persons coming within the scope of the Act, and to ballot among them for as many places as still remained to fill up the parish quota. The age limits were 18 to 45, and the minimum height 5 ft. 2 in.

The grounds on which exemption could be claimed were fairly numerous. Apprentices, articled clerks, seamen, policemen, persons working in docks or arsenals, 'persons in holy orders or pretended holy orders' (i.e. clergymen of every denomination, whether orthodox or not) were exempt; also persons actually serving in the regular forces, militia, or yeomanry, or who had served their term in the militia. There was also a remarkable provision exempting from service 'poor men having more than one child born in wedlock under ten years'. The period of service was five years or to a date six months after the ratification of peace. However, in the eyes of modern exponents of conscription the whole system was vitiated by the practice of allowing balloted men to procure substitutes to serve in their place. It appears that the market price of a substitute was £20, and that the upper and middle classes almost always availed themselves of this means of escape. Under these circumstances the ballot worked unevenly, imposing compulsory service on some classes of the people, while others felt the burden only as an extra war tax. The system of 'substitutes' is now regarded as undemocratic and unfair, and has been abandoned by the chief military nations. There is evidence to show that, like the liberal separation allowances of the present war, the offer of large sums for substitutes acted as a positive bait for married men with struggling families. The substitutes were often men of this description, as is manifest from a clause in the Act which declares that no man offered for this purpose is to be rejected solely on account of the number of his children. If a parish could raise enough money to purchase sufficient men to make up its quota, it was exempted altogether from the operation of the Act.

There seems to have been little or no opposition to this measure in Ireland, and in many cases the number required was raised by voluntary methods. However, there were attempts at evasion. In the town of Drogheda, for instance, the rich parish of St. Peter's raised almost all its quota by a voluntary levy for the provision of substitutes. The poor parish of St. Mary's had found itself obliged to have recourse to a ballot, only to discover subsequently that all those whose names had been drawn had fled the neighbourhood. In this difficulty the mayor informs the chief secretary that he is intending to go to a second ballot and levy the fines on the wealthier inhabitants if there should be a second

absconding.<sup>31</sup> Still such occurrences as this seem to have been exceptional and, of the 10,000 men expected from Ireland by the Act, 8,500 were raised without difficulty. In 1804 a further Act was passed placing the force on a permanent basis and providing for the replenishment of its ranks by a similar process of enlistment.<sup>32</sup> By 1 January 1805, 9,782 men had been raised under these Acts.<sup>33</sup> These home defence soldiers were sent into the 2nd, or home, battalions of regiments serving abroad, and it is interesting to note in this connexion the first marked instance of the association of individual regiments with particular districts in Ireland. The recruits raised in this way were drafted mainly into the 18th, 27th, 44th, 58th, 67th, 87th, 88th, and 89th, five of which regiments are Irish to this day. Ulster men went to the old Inniskillings (27th), but also to the 18th Royal Irish, now closely associated with the south. Munster men, on the other hand, were sent to the 87th and 89th, now northern battalions; Connaught men went to the 88th, then a young regiment, but soon to win fame under the name of the Connaught Rangers, while Leinster men served either in the 88th or in the ranks of the three regiments which are now recruited in England (44th, 58th, and 67th).<sup>34</sup> This form of military service, however, was not destined to be permanent. In October 1805 the victory of Trafalgar freed Great Britain from the menace of invasion, and in the following year the Acts of 1803 and 1804 for the army of reserve or additional force, as it was called, were repealed, and the militia resumed its old position as the mainstay of home defence. Like the militia, the additional force had proved a valuable reserve and training-ground for the regular army. About half of the men eventually volunteered for general service.

The fear of invasion produced other remarkable results, some of which are visible to this day, in the shape of the martello towers which stud the coast, particularly in the immediate neighbourhood of Dublin. These were erected to command possible landing-places and to watch the sea. Each mounted a small gun. They are very solidly built, and their cost of construction was usually from £2,000 to £3,000. As they were never put to the test, it is impossible to say whether they would have hampered an attempt at invasion. At the same time the maritime population was organized for defence. At the chief ports and fishing towns corps of sea fencibles were formed. These were what might be called naval volunteers, trained in the use of armed boats and small vessels. They were not expected to serve out of their own

<sup>31</sup> G. M'Entagart, mayor of Drogheda, to Nepean, 8 March 1804 (General Recruiting Book, 1802-4).

<sup>32</sup> 44 Geo. III, c. 74.

<sup>33</sup> Government Correspondence Book, Military, 1804-5.

<sup>34</sup> Return of November 1804 (Government Correspondence Book, Military).

district, and were probably used as patrols and scouts. Admiral Bowen, in a report of 1807,<sup>35</sup> speaks very highly of their zeal and usefulness, and estimates their total strength in Ireland at from 10,000 to 15,000 men. With a view to obtaining speedy intelligence a system of signal stations was established, and along one road, that from Dublin to Galway, a chain of semaphore telegraphs was constructed. A further remarkable outcome of this period was a kind of agricultural census taken for military purposes in 1803 and 1804. It was of course essential for the authorities to be informed on such points as the amount of provisions to be obtained locally, or the number of horses and cars available. Questions were sent out, the replies to which have been in many cases preserved, giving a valuable picture of the economic conditions of Ireland in the early years of the nineteenth century.

After Trafalgar the military history of Ireland becomes dull and uneventful. Invasion was practically impossible, and rebellion, which in Ireland is usually dependent on foreign support, became much less feasible. Accordingly there is little that is striking to record in the remaining years of the war. In 1806 another regular regiment was raised in Ireland, namely the 101st, recruited by Lord Dillon from the peasantry in and around Loughglynn, County Roscommon.<sup>36</sup> But Ireland's chief part in this later period of the war was that of a *dépôt*, both of men and supplies, for the armies already in the field. Sir Arthur Wellesley came to Dublin as chief secretary in 1807. Even then he seems to have been looking forward to active command, for all the records of his tenure of office show him to have been much more concerned with military affairs than with civil. In April 1807 a training camp for a brigade of light infantry was established in the Phoenix Park. In July 1808 Wellesley sailed from Cork for Portugal, taking with him the troops trained under his own eye. The gaps in his ranks were from time to time filled up both by the ordinary recruiting and by volunteering from the militia. Returns dealing with the contribution from the Irish militia<sup>37</sup> are extant and show that between September 1806 and January 1813, 28,499 recruits were sent to the line, most of whom eventually found their way to the Peninsula. The 88th Connaught Rangers was a favourite regiment with these militia volunteers. In 1808 it received no fewer than 511 men from this source alone, in 1809, 278, and in 1810, 299. Of the other Irish regiments the most notable in this connexion are the 27th Inniskillings and 87th, which received heavy

<sup>35</sup> Appended to letter, Richmond to Hawkesbury, 13 November 1807 (Government Correspondence Book, Military).

<sup>36</sup> I am indebted to Mr. W. G. Strickland, M.R.I.A., for information relating to this regiment.

<sup>37</sup> In bundle called 'Militia Volunteers to Line'.

reinforcements from local militia. But these volunteers in greater or lesser number are to be found in the muster-rolls of almost every regiment in the army. The 74th, now reckoned a Scottish regiment, received, in 1809 and 1810, 696 Irish militiamen into its ranks. Other English and Scottish regiments prominent in this way are the 1st Royals, 11th, 13th, 31st, and 59th.<sup>38</sup> Ordinary recruiting in Ireland at this period showed a yearly average of 4,500 men.<sup>39</sup>

Wellington's troops in the Peninsula were provisioned almost entirely from Ireland. The salt meat, on which the soldier and sailor were then fed, was shipped in barrels from Cork. Cargoes of corn went outward to Portugal, particularly of oats for the cavalry and transport horses. Clothes and equipment were largely supplied in Ireland. Shoes worn out on the bad roads of the Peninsula were often replaced by others of Irish manufacture. The northern linen industry furnished the soldier's shirt, and his uniform was not improbably woven in the looms of the Dublin Liberties. War conditions, generally speaking, brought great prosperity to the country. When peace came, its blessings were marred by dull trade and high prices, by unemployment aggravated by the numbers of disbanded soldiers thrown on the labour market, by bad harvests, famine and typhus fever. These things are, as it were, the concomitants of 'the morning after'. War is an evil to be avoided by every honourable means. Still, when it does come, it behoves all to take a proper share in its burdens. Surveying this period as a whole, it can be said that Ireland, though suffering from many grievances, long disaffected and for a while in rebellion, nevertheless played an important part in winning the war. For the first time for several generations, Irish soldiers were seen in large numbers fighting in the British ranks. From 1793 to 1815 probably at least 150,000 Irish recruits passed through the army. How well they fought let Badajoz, Barrosa, Waterloo attest. That comradeship in arms of the fiery, dashing Celt with the stubborn and imperturbable Saxon produced brilliant results and, among other things, it laid the foundations of mutual respect.

D. A. CHART.

<sup>38</sup> Various returns dealing with militia volunteering are entered from time to time in Government Correspondence Books, Military.

<sup>39</sup> Recruiting Books and Papers, 1808-12.

## *Notes and Documents*

### *The Regnal Dates of Alfred, Edward the Elder, and Athelstan*

So far as there can be said to be an accepted regnal table of the kings of Wessex it is that contained in the works of Mr. Plummer, Sir James Ramsay, the late Dr. Hodgkin, and Professor Oman,<sup>1</sup> all of which agree in assigning the death of Alfred to the year 900, that of Edward the Elder to 924, and that of Athelstan to 940. The first of these dates has given rise to much controversy;<sup>2</sup> the second has attracted little criticism; the third is not usually challenged. The object of this article is to show that the true dates are, respectively, 899, 925, and 939. Since no one of the problems involved in these dates can be solved except in conjunction with the others, and since the key to the two former is supplied by the accurate solution of the third, it will be well to begin by examining the evidence for the date of Athelstan's death, and then to work backwards.

#### I. THE DATE OF ATHELSTAN'S DEATH

The principal authority for placing the death of Athelstan in 940 is the Old English Chronicle, the several versions of which are here in agreement. The entry in the Parker manuscript (A) runs as follows:

940. Here king Athelstan died on 6 Kal. Nov. [27 October], forty winters but a night after king Alfred died. And Edmund atheling succeeded to the kingdom; and he was then 18 winters old. And king Athelstan reigned 14 years and 10 weeks.<sup>3</sup>

This date has been everywhere accepted.<sup>4</sup> But the Chronicle

<sup>1</sup> Plummer, *Two Saxon Chronicles Parallel* (1892, 1899); Ramsay, *Foundations of England* (1898); Hodgkin, *Political History of England*, vol. i (1906); Oman, *England before the Norman Conquest* (1910).

<sup>2</sup> See, in particular, Mr. W. H. Stevenson, *ante*, xiii. 71-7 (January 1898), and the correspondence in the *Athenaeum*, 1898-1901.

<sup>3</sup> The Cottonian MS. Otho B. xi (commonly known as W) gives 941 as the date of this entry, and this was also the original reading of A (Plummer, ii. 142). William of Malmesbury and Florence of Worcester both give 940, but a reference to their text shows that each has copied directly from the Chronicle.

<sup>4</sup> Sir James Ramsay has since modified the view expressed in his *Foundations of England* (*Athenaeum*, 3 November 1900), but his conclusions have been overlooked, or rejected, by subsequent writers.

itself reveals objections to it. To begin with, it is stated that Athelstan's death, on 27 October 940, took place '40 winters but a night' after the death of Alfred, which event all the manuscripts of the Chronicle assign to 26 October 901. It follows either that the reckoning '40 winters' is inaccurate or that a mistake has been made by the chronicler in the date under which he records one or other, or both, of the royal obits.<sup>5</sup> The fact that the date 901 is now generally admitted to be erroneous does not justify us in accepting 940 without inquiry. A more serious objection is the discrepancy between the length of Athelstan's reign as estimated in the Chronicle, namely, 14 years and 10 weeks, and the conflicting dates 924 (manuscripts B, C, D) and 925 (manuscripts A, F) under which the same authority records the king's accession. If the calculation '14 years and 10 weeks' is accurate, and unless both dates, 924 and 925, are incorrect, it is obvious that the termination of Athelstan's reign cannot have fallen later than 939. Again, if 940 is the right date, a reign of 14 years and 10 weeks must have had its beginning in 926, a year which has never been suggested as a probable one for Athelstan's accession. The only escape from the dilemma for those who accept both the date 940 and the arithmetic is to assume that the chronicler is reckoning Athelstan's reign from some event subsequent to his accession, e. g. some unrecorded coronation as Basileus of Britain, a conjecture which there is no evidence to justify.<sup>6</sup>

But the gravest objection which the Chronicle raises against its own date is supplied in a later annal. In narrating the death of Athelstan's successor, Edmund, under the year 946, the chronicler says that he 'held the kingdom six and a half years', a period which, since Edmund's murder took place on St. Augustine's Mass-day (26 May), would give us the autumn of 939 as the latest possible date for his accession. This objection is more serious than it may appear, for the accuracy of the date 946 is not open to question.<sup>7</sup> Advocates of 940 might claim that it would be easy for the chronicler to make a slip in his subtraction and assign to Edmund a reign of a year's longer duration than that which he actually enjoyed; but we must also remember that it was at

<sup>5</sup> The variant reading of W, '41 winters', which was also the original reading of A, does not remove the discrepancy.

<sup>6</sup> Mr. Stevenson (*Athenaeum*, 16 July 1898) and Mr. Plummer (ii. 132) suggest that the '14 years' of Athelstan's reign may have been reckoned from the submission of the rulers of Scotland, Bernicia, and Wales recorded by manuscript D, s. a. 926 (12 July). But a reference to other authorities shows that the date 926 is an error for 927; moreover there is nothing to substantiate Mr. Plummer's hypothesis that the submission of the north may have been followed by Athelstan's solemn coronation as Basileus. See also below, p. 523 n. 20.

<sup>7</sup> Cf. Birch, *Cartularium Saxonicum*, vol. ii, where the series of Edmund's charters closes in 946, and those of Edred begin the same year.

least as easy for the scribe to record an event under the numeral of a wrong year. None of the extant versions of the Chronicle can lay claim to the authority of an archetype, and each version teems with chronological errors; indeed it is generally recognized that there is scarcely an annal in this section of the work which has not become misplaced in the process of copying. On the other hand, the numerical calculations contained in the Chronicle are not open to suspicion in the same degree. Leaving out of account the period 871-946 as being for the purposes of this inquiry still *sub iudice*, the reckonings of the lengths of the monarchs' reigns, wherever these can be tested, can be shown on each occasion to be accurate.<sup>8</sup> It is therefore extremely hazardous to reject the chronicler's arithmetic in favour of a year-date where the authority of the two is in conflict.

If we turn from the Chronicle to external sources we shall find that the evidence for 939 is overwhelming. We have, in the first place, the testimony of Symeon of Durham, whose *Historia Regum* embodies an old Northumbrian chronicle which appears to be of almost contemporary compilation.<sup>9</sup> These northern annals constitute a valuable independent authority; for although sometimes inaccurate in their notices of southern occurrences they are generally trustworthy in their presentment of Northumbrian history and supply us with most of the information which we possess concerning the course of events in the north of England between the death of Athelstan and the murder of Edmund. Moreover, the Northumbrian chronicle is here unusually generous of detail; and its record of Athelstan's death, under the year 939, is brought into immediate connexion with the revolution at York which broke out the instant the breath was out of the body of the victor of Brunanburh. We cannot reject Symeon's date for the death of Athelstan without rejecting also his version of the events which followed, the only version which enables us to reconstruct this complicated chapter of Northumbrian history upon a consistent and intelligible hypothesis.

The evidence of the Northumbrian annals is confirmed by Æthelwerd, whose chronicle, completed before 975, may also be regarded as contemporary. The manuscript of Æthelwerd's work perished in the Cottonian fire of 1731; it seems to have contained no year-numbers, those which appear in modern editions representing merely marginal annotations made by

<sup>8</sup> A case in point is that of Egbert, to whom the Parker manuscript assigns a reign of thirty-seven winters and seven months, although recording the king's accession under 800 and his death under 836. The date now accepted for Egbert is 802-39, the chronicler's arithmetic being thus shown to be more accurate than his marginal numerals.

<sup>9</sup> See the introductions to Arnold's edition of Symeon and Stubbs's edition of Roger of Hoveden (both in the *Rolls Series*); also Plummer, II. lxxiii and note.

Savile and subsequent commentators.<sup>10</sup> Hence in interpreting the author's chronology we have nothing to guide us save the text. Æthelwerd's narrative is here very meagre; but he tells us that the death of Athelstan took place two years after the battle of Brunanburh and seven years before the murder of Edmund, the exact length of whose reign he estimates as  $6\frac{1}{2}$  years. That the tragedy at Pucklechurch occurred in May 946 does not admit of doubt; whilst the date commonly assigned to the battle of Brunanburh, viz. 937, can also be shown to be correct. We are therefore justified in assuming that Æthelwerd intended to signify that Athelstan died in the autumn of 939.

Turning from the jejune compilations of English chroniclers to the more workmanlike products of the Irish monasteries, we find still stronger support for this date. The *Annals of Ulster*, s. a. '938 (*alias* 939)',<sup>11</sup> relate in words which testify to the impression made by the event upon intelligent contemporaries, that 'Athelstan, king of the Saxons, the pillar of dignity of the western world, died a quiet death'. The passage occurs in its right position in the annal—it is the penultimate entry out of seven—exactly where we should look to find it in view of the fact that Athelstan died in October.<sup>12</sup> The credit of the *Annals of Ulster* amongst historians stands high: on almost every occasion where it is possible to verify their references to events in England both in the century preceding the death of Alfred and in that which followed the murder of Edmund, the accuracy of their dating can be vindicated. Where their chronology is at variance with that of the English Chronicle the latter can generally be shown to be erroneous.<sup>13</sup>

Thus northern, southern, and Irish authorities agree in placing Athelstan's death in 939. A final argument may be drawn from the dates attached to the charters granted by Athelstan and Edmund during the period 939–41. We have seen that the Chronicle estimates the duration of Athelstan's reign as 14 years

<sup>10</sup> See the note by Professor Stenton, *ante*, xxiv. 79–84 (1909).

<sup>11</sup> *Annals of Ulster*, ed. W. Hennessy, p. 459. The chronology of these annals is for several centuries uniformly one year in arrears. From 890 onwards the error is rectified by the insertion of the true date, with an *alias*, in brackets after the marginal numeral. Thus throughout the tenth century each annal appears with a double date, of which the second is invariably correct. This duplicated dating disappears in 1014, when the error is removed by the simple expedient of passing immediately from '1012 (*alias* 1013)' to 1014, the year of the battle of Clontarf.

<sup>12</sup> The *Annals of Ulster*, unlike the English Chronicle, begin the year on 1 January.

<sup>13</sup> Good examples are provided by the deaths of Offa (796) and Ceolwulf (821), kings of the Mercians, that of Æthelwulf (858), and the battle of Farnham (893), in each case the *Annals of Ulster*, corrected in accordance with the principle indicated in note 11, confirm the dates I have placed in brackets, which are those now generally accepted. Whilst the error of one year in the dating of the *Annals of Ulster* is uniform and must always be allowed for, the chronological dislocation which runs through the English Chronicle is variable, and subject to disconcerting fluctuations.

and 10 weeks. The number of the king's charters collected by Mr. Birch in his *Cartularium Saxonicum* is 110, that is, roughly, eight charters to each year. Out of these 110, six, i. e. rather less than the annual average, belong to the year 939. These six are the last of the series: Mr. Birch's collection includes no charter of Athelstan's grant which bears the date 940. An analysis of the charters issued by Athelstan's successor yields results which are still more suggestive. The number of Edmund's charters printed by Mr. Birch is seventy, giving, for a reign of six and a half years, an average of about eleven per annum. Of these seventy no less than fifteen bear the date 940, whilst only six belong to 941. If Edmund succeeded Athelstan on 27 October 940, supposing the year to have begun on 25 December, it would follow that all the charters granted by Athelstan between 25 December 939 and 27 October 940 must have perished, but that no less than fifteen have survived out of those issued by Edmund during the brief interval between 27 October 940 and the following Christmas. Even had we no other evidence that Athelstan died in 939, the inference to be drawn from these charters would be almost irresistible.

One other circumstance should be noted, although if it stood alone it would be hazardous to draw any conclusion from it. The Chronicle tells us, *s. a.* 940, that Edmund was '18 winters old' at his accession. The same authority, *s. a.* 937, lays stress upon his share as atheling in the victory of Brunanburh. Now, if Edmund was only 18 in October 940, he cannot have been more than 15 in 937; but if we place his accession in October 939 he will appear as having been 16 at the time of the Brunanburh campaign, and his precocity will strike us as less surprising. In view of the responsible rôle he is represented as having filled as a leader of the host in the greatest battle fought, until then, upon English soil, the addition of a year to his age is, to say the least, acceptable.

## II. THE DATE OF EDWARD THE ELDER'S DEATH

939 once established as the year of Athelstan's death, the parallel problem with regard to Edward the Elder presents less difficulty. We have here no misleading consistency on the part of our principal authority. The six versions of the Chronicle frankly disagree. Whilst manuscripts A and F place Edward's death in 925, B, C, and D assign the event to 924, the testimony of E being neutralized by the fact that it records the obit under both years. The length of Edward's reign is not stated in any extant version of the Chronicle, nor are we told the month or day of his death; but we learn from the Hyde Register that the

king died on 16 Kal. Aug., i. e. 17 July.<sup>14</sup> The events of the year of Edward's death are related by manuscripts B, C, D as follows :

924. Here king Edward died in Mercia at Fearndune; and very shortly afterwards [about 16 days]<sup>15</sup> Ælfward his son died at Oxford; and their bodies lie at Winchester. And Athelstan was chosen king by the Mercians and hallowed at Kingston. . . .

The notice in A and F is shorter :

925. Here king Edward died and Athelstan, his son, succeeded to the kingdom.

Which of these conflicting dates, 924 or 925, is correct? The former has the support of most modern writers; <sup>16</sup> yet the evidence for 925 seems conclusive. To start with, we have the definite statement in the Chronicle, *s. a.* 940, that Athelstan reigned '14 years and 10 weeks'. We have seen that Athelstan died on 27 October 939; and a calculation of 14 years and 10 weeks from that date brings us back to the summer of 925. We have also seen that the chronicler's arithmetic, admittedly accurate in the cases of the kings before 871 and from 946 onwards, can be vindicated even in the case of Edmund where the reckoning which ascribes to that monarch a reign of '6½ years' is at variance with the marginal dates. Since there is no corresponding instance in which the figures can be shown to be wrong, we have, at least, strong presumptive evidence that they are as exact here as we know them to be in other places and that the date 925, which squares with the arithmetic, is more likely to be correct than 924, which does not.

Besides the internal evidence of the Chronicle in favour of 925, we have external authority for this date. Thorne tells us that the coronation of Athelstan took place 'in crastino ordinationis S. Gregorii [i. e. 4 September], 925'; <sup>17</sup> whilst both year and day are confirmed by a charter from the Red Book of St. Augustine's, Canterbury, which bears the date '925, . . . primo anno regni regis Adalstani, die consecrationis eius pridie nonas Septembris'.<sup>18</sup> Both Thorne and the Red Book are late authori-

<sup>14</sup> *Liber Vitae* of Hyde Abbey, Winchester, ed. W. de G. Birch (Hampshire Record Society), 1892. Mr. Stevenson was the first to call attention to this date (*Athenaeum*, 16 July 1898).

<sup>15</sup> The words in brackets occur only in manuscript D.

<sup>16</sup> For a discussion of the date of Edward's death, see Stubbs, *Historical Introductions to the Rolls Series*, p. 1, note (introduction to *Memorials of St. Dunstan*); also Plummer, ii. 132-3.

<sup>17</sup> *Chronica Gulielmi Thorne*, in Twysden, *Decem Scriptores*.

<sup>18</sup> Birch, *Carl. Sax.* ii. 317, no. 641. Mr. Plummer hesitates to accept this charter, chiefly because it is witnessed by Archbishop Athelm, whom Stubbs (*Reg. Sacr. Angl.*) held to have died in 923. But Adelard, in his *Life of Dunstan* (*Mem. of St. Dunstan*, pp. 55-6), says that Athelm was the prelate who crowned Athelstan, and there is no trustworthy evidence that his successor, Wulfhelm, was archbishop before 926.

ties; but the fact that 4 September fell on a Sunday in 925 is strong ground for accepting the year, since West Saxon kings appear to have been invariably crowned on a Sunday.<sup>19</sup> We cannot reject 925 without rejecting 4 September as well.<sup>20</sup>

So far all the evidence seems to point towards one conclusion, namely that the date supplied by the Parker manuscript is right, and that the annal in B, C, D recording Edward's death and Athelstan's coronation at Kingston under 924 is one year behind the true chronology. Sir James Ramsay, in his *Foundations of England*, adopts a different view. Holding that Edward 'certainly died in 924' he supposes that Athelstan was really crowned twice, the earlier ceremony being that recorded by B, C, D as having taken place at Kingston in 924, in the same year as the monarch's accession; the later, that celebrated on 4 September 925. 'Sept. 4', he says, 'would be the date of Athelstan's coronation in *Wessex* . . . delayed till 925 by the opposition of Ælfweard and Ælfred';<sup>21</sup> and again, 'a coronation at *Kingston* could only apply, in the first instance at any rate, to the kingdom of Mercia.'<sup>22</sup> But we read of no opposition from the side of Ælfweard, who was probably already on his death-bed;<sup>23</sup> whilst the evidence for the conspiracy of the atheling Ælfred, which seems to have amounted at most to an intrigue, rests on exceedingly slender authority.<sup>24</sup> Again, Sir James Ramsay's view that a coronation at Kingston would have a specially Mercian significance is quite inadmissible. It has been pointed out that Kingston is not in Mercia nor even on the Mercian border;<sup>25</sup> and it may be added that all our evidence goes to show that in the tenth century Kingston was the normal theatre for the coronation ceremonies of West Saxon kings. We know that Edred, Edwy, and Ethelred the Unready were crowned there, and we do not

Manuscript F of the Chronicle—a late authority, but one specially associated with Canterbury—places Wulfhelm's appointment in 925, immediately after the entry recording Athelstan's accession, and he does not seem to have gone to Rome for his pallium till 927. In any case, the rejection of the charter, for which there seems no adequate ground, would not affect the credibility of the date contained in it. The fabricator had presumably some authority for it.

<sup>19</sup> Compare the cases of Edward the Elder (*Æthelwerd*, *s. a.* 901), Edred (Florence of Worcester, *s. a.* 946), Edgar (*Chron. s. a.* 973), Ethelred II (*ibid.* 979), and Edward the Confessor (*ibid.* 1043), all of whom were crowned upon Sunday.

<sup>20</sup> This was not noticed by Mr. Plummer, who suggests that Athelstan's hypothetical coronation as Basileus in 926 (above, note 6) 'may have been the coronation referred to by Thorne'. But 4 September fell on a Monday in 926, and on a Tuesday in 927, the year in which the submission of the northern princes actually took place. Both are impossible days for a coronation.

<sup>21</sup> *Foundations of England*, i. 267.

<sup>22</sup> *Ibid.* i. 281.

<sup>23</sup> He died '16 days' after his father (manuscript D, *s. a.* 924).

<sup>24</sup> Birch, *Cart. Sax.*, nos. 670-1.

<sup>25</sup> Plummer, ii. 133.

read of any monarch of their house, with the exception of Edgar,<sup>26</sup> being 'hallowed' in any other place. Kingston, in a word, was the West Saxon Scone, and there is no reason for supposing that Athelstan's coronation there and the function performed on 4 September 925 are other than one and the same. The theory that Athelstan may have been twice crowned—whether first as king of Mercia and afterwards as king of Wessex, or originally as king of Wessex and later as 'Monarch of the whole of Britain'<sup>27</sup>—rests upon pure conjecture, founded in each instance upon false premisses. There is equally little historical basis for the alternative view that Athelstan was crowned only once, namely, at Kingston on 4 September 925, but that this solemnity was delayed until a year after his accession to the throne. Apart from the inherent improbability of such postponement—for none of the kings of Wessex in the tenth century, with the exception of Edgar, appear to have been crowned later than three months after their accession—there is evidence to show that Athelstan's consecration took place within the customarily brief interval after his formal election as king. Manuscripts B, C, D record the Kingston coronation, the only ceremony of the kind which we need assume to have been performed, in the same year in which they enter the deaths of Edward the Elder and Ælfweard; moreover, the author of the 'metrical life' of Athelstan, a valuable independent authority represented in the pages of William of Malmesbury,<sup>28</sup> describes the king as having been 'post mortem patris et interitum fratris in regem apud Kingestune coronatus'. There is nothing in the writer's story, which is here very detailed, to suggest that the ceremony was delayed.

We have seen that all the manuscripts of the Chronicle agree in assigning to Athelstan a reign of 14 years and 10 weeks. There exists, however, a detached regnal table of the kings of Wessex, the manuscript Tiberius A. iii,<sup>29</sup> in which the length of Athelstan's reign is quoted as '14 years 7 weeks and 3 days'. A comparison of the data supplied by Tiberius A. iii with the various versions of the Chronicle reveals the fact that the regnal calculations contained in the former manuscript are, for Athelstan and his successors, invariably shorter by a few weeks than those given

<sup>26</sup> Edgar's coronation was postponed, for some reason which has never been satisfactorily explained, till the fourteenth year of his reign, being celebrated at Bath, on Whit-Sunday (11 May), 973.

<sup>27</sup> *Supra*, notes 6 and 20.

<sup>28</sup> William of Malmesbury, *Gesta Regum*, ed. Stubbs (Rolls Series), i. 145–52. For Bishop Stubbs's view of the value of the 'metrical life', see his introduction to vol. ii of the same work, pp. lx–lxiii.

<sup>29</sup> The Cotton manuscript, Tiberius A. iii, is supposed to have originally formed the genealogical preface to MS. B of the Chronicle (Plummer, ii, introduction, § 88). The regnal table breaks off at the reign of Edward the Martyr (975–8), in whose lifetime it was probably composed.

by A, B, C, D. The discrepancy is obviously to be accounted for by the assumption that whilst the figures in the Chronicle are computed from each monarch's accession, those in Tiberius A. iii are counted from the day of his coronation. Any doubt upon this point is removed by the discovery that in four instances out of five the figures of Tiberius A. iii bring us back to a Sunday or a Monday, the error of twenty-four hours in the latter case (Monday being an impossible day for a coronation) being doubtless due to the niceties involved in calculating from a day which was held to begin at Vespers of the previous evening.<sup>30</sup> Now, if we examine Tiberius A. iii's reckoning for the date of Athelstan's coronation, we find that 14 years 7 weeks and 3 days from 27 October 939 yields Monday, 5 September 925, a date which, allowing for the divergence aforesaid, is in absolute agreement with that provided by Thorne and the Canterbury charter. Again, the fact that our two authorities, the Chronicle and Tiberius A. iii, differ by only two and a half weeks as to the duration of the reign is further proof, if such be needed, that Athelstan's coronation took place in the same year as his accession, and that that year was 925.

One other point seems to call for comment. The calculation of 14 years and 10 weeks from 27 October 939 gives us 17 August as the day of Athelstan's accession. The Hyde Register tells us that Edward died on 17 July.<sup>31</sup> How are we to explain this interregnum of a month between the death of one monarch and the election of his successor? The problem presents no difficulty; for the circumstances of Athelstan's accession were peculiar. Edward died at Farndon on the Dee,<sup>32</sup> in the course of a punitive expedition against the neighbouring city of Chester. Sixteen

<sup>30</sup> The single exception is in the case of Edgar, to whom Tib. A. iii assigns a reign of 16 years 8 weeks and 2 nights, a calculation which, reckoning from 8 July 975, the date of the king's death, would give us Wednesday, 11 May 959, as the day of his coronation. Edgar was crowned on Whit-Sunday, 11 May 973. It is evident that the compiler of the regnal table had the correct day (11 May) in front of him, but that he had overlooked the fact that Edgar was not crowned till the fourteenth year of his reign. The exception, in short, is one of those which prove the rule, as it affords convincing evidence that the reckonings in Tib. A. iii are counted from the king's coronation day, and not from that of his accession.

<sup>31</sup> As Mr. Stevenson has pointed out (*Athenaeum*, 16 July 1898), there is no reason to doubt the accuracy of the date supplied by the Hyde Register, although it is not corroborated from any other source. Edward was the founder and benefactor of Hyde Abbey, and the monks would scarcely be likely to go wrong as to the day of his death.

<sup>32</sup> The identification of 'Fearndune in Mercia' has given rise to unaccountable misunderstandings. It is generally identified with Farndon in Northamptonshire or Faringdon in Berks., but the indications supplied by the author of the 'metrical life' (Will. Malmesb., *Gesta Regum*, i. 146), who tells us that Edward died 'apud Ferdunam villam', having 'paucis ante obitum diebus' reduced the city of Chester, leave no doubt whatever as to its locality. See the letter of Mr. Stenton in the *Athenaeum*, 4 November 1905. The Cheshire Farndon appears in Domesday as *Ferenton*, which accords with *Ferdunam*, the alternative reading of William of Malmesbury.

days later, i. e. on or about 1 August 925, his second surviving son Ælfweard died at Oxford, and father and son were buried together at Winchester. It is probable that only the opportune death of Ælfweard preserved Wessex and Mercia from the misfortune of a divided allegiance such as was afterwards witnessed in the reign of Edwy. The insistence of manuscripts B, C, D, whose annal for 924 is borrowed from the Mercian Register, upon the circumstance that after Ælfweard's death Athelstan was 'chosen king by the *Mercians*' may perhaps be taken to indicate that the younger brother was regarded as king of Mercia (but assuredly not of Wessex as well) during the few days he survived his father. Some colour for the suggestion that Edward had already, in his lifetime, divided his realm between his sons is supplied by the fact that Ælfweard is described in the Hyde Register as having been 'regalibus infulis redimitus'.<sup>33</sup> On the other hand, Athelstan's 'election by the Mercians' may possibly signify nothing more than that he was hailed as king by the army at Farndon, which, in view of the objective of Edward's last expedition, would presumably have consisted for the most part of Mercian levies. In either case the interval of a month between 17 July and 17 August, which we may take to be the date of Athelstan's formal *acclamatio* by the West-Saxon witenagemot, is quite adequately accounted for by the time which would be taken up by the journey across Mercia from Cheshire to Oxford, the possible delay in the latter city occasioned by the illness and death of Ælfweard, the escort of the now double funeral cortège from Oxford to Winchester, and the final rites in the capital of the West Saxon kings. We gather from the author of the 'metrical life' that it was not until after the burial of Edward, which must have taken place about 16 August, that Athelstan was *acclamatus in regem*.<sup>34</sup> The new monarch's first care would be to ordain preparations for his coronation, which was duly solemnized at Kingston, after the shortest convenient interval, on Sunday, 4 September 925.

### III. THE DATE OF ALFRED'S DEATH

All the versions of the Chronicle agree in assigning Alfred's death to 26 October 901, the date which until twenty years ago was generally accepted and which still appears in the majority of text-books. The Parker manuscript records the event in these words :

901. Here died Alfred, son of Ethelwulf, six nights before All Hallows Mass. He was king over the whole English race but that part which was under the dominion of the Danes; and he held the kingdom one and

<sup>33</sup> Plummer, ii. 121.

<sup>34</sup> Will. Malmesb., *Gesta Regum*, i. 145.

a half less than 30 winters [28 winters and half a year—D, E, F]. And then Edward his son succeeded to the kingdom.

It was mainly in reliance upon the date supplied by the Parker manuscript, essentially a Winchester chronicle, that the year 901 was chosen for the unveiling of King Alfred's statue in the West Saxon capital. To-day the date 901 has no champions, and opinion is divided between 899 and 900. Mr. W. H. Stevenson was the first to bring forward arguments in support of the earlier date;<sup>35</sup> but his conclusions, although subsequently accepted by Sir James Ramsay, who had originally contested them,<sup>36</sup> have not generally been adopted by later writers upon the history of England before the Conquest.<sup>37</sup> Even the authoress of the most recent (and the most valuable) biography of Alfred, although holding that 'the balance of probability is in favour of 26 October 899', considers the controversy 'undetermined'.<sup>38</sup>

Undoubtedly the strongest argument for Mr. Stevenson's date is the statement in the Chronicle, *s. a.* 901, that Alfred reigned '28 winters and half a year'. We know that the king's accession took place 'after Easter', 871, i. e. in the second half of April (Easter in 871 falling on the 15th of that month); and a reign of 28½ years would thus bring us to the latter part of October 899. The accuracy of the other regnal calculations contained in the Chronicle, which has already been illustrated in the cases of Edmund and Athelstan, affords ground for presuming that the reckoning '28½ years' is correct.<sup>39</sup>

One of the chief arguments hitherto advanced in favour of 900, as against either 899 or 901, is the passage in the Chronicle, *s. a.* 940, which tells us that Athelstan died '40 winters but a night' after King Alfred's death. But we have seen that the death of Athelstan must be dated 939, not 940. Again, Sir James Ramsay, when arguing in the *Athenaeum* for 900, attached much weight to the statement in manuscript Tiberius A. iii that Edward the Elder, whom Sir James held to have died in 924, reigned

<sup>35</sup> *Ante*, xiii. 71-7 (1898). See also his letters to the *Athenaeum*, 19 March, 2 April, and 16 July 1898.

<sup>36</sup> Sir James Ramsay argued for 900 in his *Foundations of England* and in the *Athenaeum* (2 July and 6 August 1898). His subsequent letter in favour of 899 appeared in the *Athenaeum* of 3 November 1900.

<sup>37</sup> The late Dr. Hodgkin and Professor Oman, writing in 1906 and 1910 respectively, prefer 900. Out of seven text-books, published since the *Athenaeum* controversy of 1898-1900 and selected at random, I find that only one (by Mr. Hassall) gives 899—four out of the remaining six preferring 901 to 900. All give 940 as the date of Athelstan's death.

<sup>38</sup> Miss Lees, *Alfred the Great, Maker of England* (1915), pp. 427-28.

<sup>39</sup> The reading of the Chronicle is supported by the Northumbrian annals incorporated by Symeon (ii. 92), which tell us, *s. a.* 899, that Alfred reigned 'annis xxviii'. On the other hand, Florence of Worcester and the *Annals of St. Neots* give the duration of Alfred's reign as 29½ years.

'24 winters'. The length of Edward's reign is nowhere stated in the Chronicle; and the fact that the author of the regnal table in Tiberius A. iii gives his reckoning in round numbers, omitting those fractions of the year which he calculates with such minute precision in the case of each of the kings after Edward, may be taken as indicating that his '24 winters' is intended to be merely a rough estimate. In the case of the kings before Edward the figures contained in Tiberius A. iii are identical with those in the Chronicle, and are obviously borrowed from that source. Hence we may conclude that, the Chronicle failing him in the case of Edward, the author of Tiberius A. iii made a simple calculation for himself, probably reckoning the length of the king's reign by the two year-dates, 901 and 925, supplied by the Parker manuscript. The evidence of manuscript Tiberius A. iii must therefore be discounted. Fortunately, more authoritative information as to the length of Edward's reign is forthcoming from other sources. It has not, I think, been noticed that the *Annals of St. Neots*, s. a. 900, the year in which they record the death of Alfred, relate that 'Eadwardus, filius ipsius regis Aelfredi, unctus est in regem, regnavitque annis xxvi'.<sup>40</sup> Since Edward died in 925, this would place his accession in 899, not 900, as stated by the *Annals*. Unluckily we do not know in what year the version of the Chronicle from which the compiler of the *Annals of St. Neots* extracted his material would have placed Edward's death; for the *Annals* break off suddenly at 914—a serious loss to students of Anglo-Saxon history, since it is recognized that they are based upon a recension of the Chronicle earlier and more accurate in its chronology than any which has come down to us.<sup>41</sup> If, as seems possible, the reading '26 years' was contained, s. a. 900, in this early recension of the Chronicle (distinguished by Mr. Plummer as Æ) the figures are entitled to the same degree of credence as attaches to the rest of the Chronicle's arithmetic, and may be regarded as presumably correct.

In addition to this mass of arithmetical data, all pointing to 899 as the year of Alfred's death, we have more direct authority for the date. Symeon of Durham gives us 899 no less than three times: first, in his *Historia Dunelmensis Ecclesiae*;<sup>42</sup> secondly, in that part of his *Historia Regum* in which he embodies the Northumbrian chronicle which we have already found trustworthy in the case of Athelstan; and, lastly, in a later section of the same work, although the material for this part of the book is borrowed directly from the chronicle of his contemporary,

<sup>40</sup> *Annals of St. Neots*, in Asser's *Life of King Alfred*, ed. W. H. Stevenson (1904), p. 143.

<sup>41</sup> Stevenson, *ibid.*, p. 105. See also Plummer, ii, pp. cii-ciii.

<sup>42</sup> *Sym. Dun.* i. 71.

Florence of Worcester, whose own date, 901, Symeon deliberately corrects.<sup>43</sup> The *Annals of Lindisfarne*, derived from a parallel source, are in harmony with Symeon of Durham. The northern authorities are, thus, solid for 899, support for which is also forthcoming from southern sources. Professor Stenton has shown that a literal interpretation of the chronology of Æthelwerd yields 899 as the year of Alfred's death; <sup>44</sup> and the date is in harmony with Æthelwerd's subsequent statement that Edward was crowned upon Whit-Sunday, 900. We are indebted to the same writer for another piece of information which confirms the dating of the Northumbrian annals. These tell us, *s. a.* 900, that 'Ethelbald was ordained to the bishopric of the city of York'. Æthelwerd records the same event, stating that it took place in London in the same year as Edward's coronation. We have, thus, two authorities, wholly independent of one another, for their arrangement of their material is different—Symeon, for example, makes no reference to Edward's coronation—yet whose accounts of the occurrences of 899–900 are in complete agreement.

It is to be regretted that the *Annals of Ulster*, which provided us with evidence for the date of Athelstan's death, should make no reference to that of Alfred; but some indication as to the date of the event is afforded even by their silence. The annal for '898 (*alias* 899)' <sup>45</sup> is the shortest for several centuries, and its abnormal brevity sufficiently accounts for the omission to note the king's demise. On the other hand, the annal for '899 (*alias* 900)' is of the usual length, relating amongst other happenings the death of 'Domnall, son of Constantine, king of Alba' (i. e. Donald VI of Scotland, 889–900). Seeing that the *Annals of Ulster* record the deaths of Offa, Ethelwulf, Athelstan, Edgar, and other important English kings, it is a little improbable that they would have neglected to chronicle that of Alfred the Great had he died in the same year as the relatively insignificant Donald.

In view of the weight of the evidence pointing to the conclusion that Alfred died in 899, how are we to account for the fact that the *Annals of St. Neots*, our most trustworthy guide to the chronology of this period, place the death of the great king in 900? A comparison of the *Annals* with the chronicle of Æthelwerd supplies the key not to this mystery only, but to many of the chronological conundrums of the ninth and tenth centuries. Æthelwerd and the *Annals of St. Neots* are the only two of our authorities which refer to the coronation of Edward. The former tells us that Alfred died 'on the seventh day before the solemnity

<sup>43</sup> *Ibid.* ii. 92 and 120.

<sup>44</sup> *Ante*, xxiv. (January 1909) 79–80. Æthelwerd's chronology is here quite consistent and straightforward.

<sup>45</sup> *Ann. Ulster*, i. 415: 899 is, of course, the year intended; see above, note 11.

of All Saints' in a year which must be our 899, and that his successor was crowned on the following Whit-Sunday. The *Annals of St. Neots* record Alfred's death as having occurred in 900, on 7 Kal. Nov. (26 October), and add that 'in the same year Edward, son of the said king Alfred, was anointed king'. We have no reason to doubt the veracity of Æthelwerd's statement that Edward's coronation took place upon Whit-Sunday, which in 900 fell on 8 June; and the conclusion is therefore irresistible that the author of the earliest known version of the Chronicle, that upon which the *Annals of St. Neots* are based, regarded 26 October 899 and 8 June 900 as falling within the same annalistic year. We are thus furnished with convincing evidence of a phenomenon of which we have repeated indications in the Alfredian section of the Chronicle, namely, that in the south of England at this period the year was generally estimated by annalists as beginning in the autumn at some date not later than the month of October preceding the 1st of January of the Julian year.<sup>46</sup>

What was the first day of the Anglo-Saxon calendar-year? Mr. A. Anscombe has brought forward evidence<sup>47</sup> to show that in Northumbria in Bede's time, and at least as late as the middle of the eighth century, the year was calculated by the Caesarian Indiction and was held to begin on 24 September, i. e. three months earlier than our modern New Year's Day. Thus an occurrence which took place, for example, on 24 September 750 would be regarded as falling within the year 751, and the other events of the period 24 September—31 December would be similarly one year post-dated. If we conclude, as it seems we are bound to do, that in the first half of the tenth century there were southern chroniclers who still adhered to this system of computation while the Northumbrian annalists had abandoned it before 899, the discrepancies between our authorities as to the obit years of Alfred and Athelstan will be partially explained, whilst many other chronological difficulties will vanish. It follows that the error of the chronicler in assigning the death of Athelstan to October 940 was from his own point of view no error, since by 27 October 940 he presumably meant to convey the date which we should render 27 October 939, and which was so rendered, as we have seen, by his Northumbrian and Irish contemporaries. It follows also that 26 October 900, the date under which the *Annals of St. Neots* record the death of Alfred, is equivalent to our 26 October 899. The erroneous date 901 which

<sup>46</sup> Thus the solar eclipse of 29 October 878 is entered by the Chronicle under 879, and the death of Carloman, king of France (12 December 884), under 885. Other instances are cited by Mr. Stevenson (*ante*, xiii. 75 and *Asser*, p. 282, note).

<sup>47</sup> *Athenaeum*, 22 September 1900.

survives in extant versions of the Chronicle is to be accounted for by the chronological dislocation of one year and upwards which runs through the whole of the Parker manuscript from 893 to 924.<sup>48</sup> The fact that the death of Edward the Elder in 925 has escaped becoming involved in this confusion of dating is probably due to the fact that Edward died in July, the error of manuscripts B, C, D in entering his death under 924 being doubtless connected with the gap of three years which separates this annal from the preceding entry in the Mercian Register.<sup>49</sup>

The dates 900 and 940, though not in a sense inaccurate, conflict with our modern system of reckoning and even with that adopted by the Chronicle itself from the reign of Edmund onwards. The situation thus created finds a parallel in the seventeenth century. According to the Old Style then in use in England, which began the year on 25 March, Queen Elizabeth died in 1602, Charles I in 1648, Charles II in 1684, and William III in 1701. Historians rightly correct these dates to their modern equivalents, 1603, 1649, 1685, and 1702. If we apply the same principle, as consistency requires, to the period 871-946, the regnal table of the kings of Wessex will run as follows :

ALFRED. 871-899, October 26, i. e. 'one and a half less than 30 winters' (Parker MS. *s. a.* 901).

EDWARD I. 899-925, July 17, i. e. '26 years' (*Annals of St. Neots*, *s. a.* 900).

ATHELSTAN. 925-939, October 27, i. e. '14 years and 10 weeks' (Parker MS. *s. a.* 940).

EDMUND I. 939-946, May 26, i. e. 'six and a half years' (*ibid.* *s. a.* 946).

MURRAY L. R. BEAVEN.

### *Magister Gregorius de Mirabilibus Urbis Romae*

THIS tract is printed for the first time from what seems to be the only extant manuscript. It is in the library of St. Catharine's College, Cambridge, where its press-mark is L. v. 87, a vellum

<sup>48</sup> See Plummer, i. 85 (note), and *passim*.

<sup>49</sup> There remains the difficulty that Florence of Worcester (*s. a.* 901) and *Ann. of St. Neots* (*s. a.* 900) each assign to Alfred a reign of 29½ years, although the former places the king's accession in 871 and his death in 901. Florence's treatment of his authorities is always so cavalier that his arithmetic may be disregarded, although Mr. Stevenson suggests an explanation of it (*ante*, xiii. 72, n. 8). In the case of the *Ann. of St. Neots*, which is a late compilation, it is possible that the author may himself have altered 28½ into 29½ in ignorance of the fact that the October 900 of his version of the Chronicle was equivalent to our 899. But it is more probable that the mistake has arisen out of the compiler's lack of familiarity with the English tongue, the language of this particular passage in the Chronicle being unusually obscure. See Stevenson, *Asser*, p. 105, note.

book of 204 leaves, of the thirteenth century (near 1300). The contents are :

1. *Historia Alexandri Magni* (an abridgement of Julius Valerius) mutilated at the beginning . . . . . fo. 1
2. Letter of Alexander to Aristotle . . . . . 22
3. Letters of Alexander and Dindimus . . . . . 34
4. *Peregrinatio Antiochie* (the anonymous *Gesta Francorum*) . . . . . 48
5. An extract from Henry of Huntingdon (*Lib. i. 1-12*, Rolls ed.) followed by a list of shires and hides . . . . . 96
6. Giraldi Cambrensis *Topographia Hiberniae*; a copy of the first edition, unknown to the editor of the Rolls text . . . . . 105*b*
7. *Physiognomia trium auctorum* . . . . . 168
8. The present tract, which occupies ff. 190*a*-203*a*.

The last leaf of it (f. 203) has been for the most part cut away, but apparently none of the text is gone : the verso is blank.

Though Magister Gregorius has never been printed before, he is not altogether unknown. In Arturo Graf's *Roma nella memoria e nelle immaginazioni del Medio Evo* (i. 63, Turin 1881) the state of knowledge concerning him is well summarized. In 1851, says Graf, C. P. Bock announced the discovery of a new text of the *Mirabilia* by Magister Gregorius : then, after a delay of twenty years, he gave further particulars in a review of Parthey's edition of the *Mirabilia*, contributed to the Bonn *Theologisches Litteraturblatt*, now discontinued (1870, coll. 344-54). He had not, it then appeared, found a manuscript of the text, but had read the passages cited from it by Ranulph Higden in the first book of the *Polychronicon*. This he had only seen in manuscripts, for the earlier editors did not print that portion of Higden. It is, of course, included in the Rolls edition, and was, in fact, in print when Bock wrote his article. So far as my information goes, no one since Bock has increased our knowledge of Magister Gregorius.

## I

Higden's extracts had perhaps better precede the reprint of the full text. I take them from the Rolls Series edition of the *Polychronicon*, by Churchill Babington (1865), italicizing the words which are actually quoted from Gregorius. In practically all cases Higden has abridged and paraphrased his original : he has, besides, disregarded the order of his source, and this is just worth noting, because C. P. Bock, in the article already mentioned, lays some stress upon the order in which the various monuments are described, and draws conclusions (which are now seen to be unwarranted) as to the topographical basis of Gregorius's work.

Higden quotes from most parts of Gregorius. The sections he passes over entirely are : §§ 7 (on the *Spinario*), 13 (two statues of Solomon and Bacchus), 14 (palace of the sixty *Cornuti*),

16 (temple of Pallas), 17 (palace of Augustus), 18 (other palaces), 23 (various triumphal arches), 24 (arch of Pompey), 25 (column of Fabricius), 28 (pyramid of Augustus), 30 (Pharos of Alexandria): eleven out of thirty-three. There is evidence that his text ended at the same point as that of our manuscript. The last words of our text describe a tablet inscribed with 'the greater precepts of the law' in the form of aphorisms in which 'nearly all the words have to be supplied' by the reader. Higden gives this last clause, and proceeds to quote ten lines of a poem (which may be seen in Riese's *Anthol. Lat.* no. 762, ll. 9-18) on the sounds produced by various song-birds. It seems as if he thought that these lines were inscribed on the tablet, and I draw the conclusion that in his manuscript of Gregorius they had been written at the end of the text for no particular reason—as many such extracts are scribbled in blank spaces in manuscripts—by some subsequent scribe. I also conclude that our text of Gregorius is incomplete. The tract is duly furnished with a prologue, and a peroration must have been intended.

Higden's quotations serve to correct our manuscript in more than one place: notably in § 21, where we are helped by him to the reading *antonomastice* for *antonomia site*, and in § 29, where we restore the omitted word *acum*. Our manuscript, then, was not the one he used.

In the introduction (i. xxix) Babington speaks of the tract, but not unnaturally confuses it with the printed *Mirabilia*. Higden, however, in his list of authorities (p. 22) is quite explicit. After Petrus Comestor and before Bede he enters:

Magister Gregorius in libro de mirabilibus Romae

(I follow the reading of the MSS. C (Magd. Coll. Oxon. 181) and D (St. John's Coll. Cambr. 12)).

The quotations all occur in Lib. I, cap. xxv. *De Urbe Roma*.

p. 207. multa et varia scripserunt auctores, potissime tamen frater Martinus de conditione eius, magister vero Gregorius de urbis mirabilibus perstrinxit digna memoratu.

p. 212. *Gregorius*. Inter urbis huius mirabilia arte magica seu opere humano constructa quorum adhuc restant vestigia miranda, sunt tot promunctoria turrium, tot aedificia palatiorum.

Greg. Title of tract, title of § 1, and first lines of text.

*Ranulphus*. Etiam nunc veri sunt versus illi Hildeberti Cenomannensis episcopi quos ponit Willielmus Malmesburiensis in libro suo de regibus.

Par tibi Roma nihil cum sis fere tota ruina,

Fracta docere potes integra quanta fores.

Quoted by Greg. § 1.

*Gregorius*. Fuerunt et palatia egregia in honorem imperatorum aliorumque illustrium virorum constructa, inter quae erat palatium maius in medio urbis in signum monarchiae orbis: item palatium Pacis,

ubi Romulus posuit statuam suam auream dicens: 'Non cadet donec virgo pariat': quod et cecidit Christo nascente.

So far this is not represented in our text of Gregorius.

*Palatium Diocletiani* columnas habet ad iactum lapilli tam altas et tam magnas quod a centum viris per totum annum operantibus vix una earum secari possit.

Condensed from § 15.

Apud templum *Pantheon* quod fuit omnium deorum modo est ecclesia omnium sanctorum, et autonomastice (leg. ant-) dicitur sancta Maria Rotunda et habet in latitudine spatium ducentorum sexaginta pedum.

Condensed from § 21.

Prope illud templum est arcus triumphalis Augusti Caesaris marmoreus, in quo gesta ipsius describuntur.

Condensed from § 22.

Ibi quoque est arcus Scipionis qui devicit Hannibalem.

Condensed from § 26.

The two next sentences ('Item ad S. Stephanum . . . Item in Capitolio') are not from Greg. Then follows a section headed *Ranulphus*, in the course of which Greg., though not named, has been used (p. 216).

Romae fuit domus quaedam consecrata . . . cuius cryptae parietum adhuc apparent horrendae et inaccessibiles: in qua etiam domo statuae omnium provinciarum ponebantur arte magica, quarum quaelibet nomen provinciae suae in se gerebat scriptum in pectore, et nolam argenteam circa collum, quae, si qua gens contra Romam insurgeret, statim imago illius vertebat dorsum ad imaginem Romae, et tintinnabulum illius imaginis insonabat. Unde et sacerdotes gentiles domum illam alternis vicibus custodientes nomen imaginis principibus nuntiabant.

Erat etiam in tecto domus illius eques quidam aeneus concordans mobiliter motui illius imaginis, lanceamque contra gentem illam sic insurgentem dirigebat. Unde et Romani facile hostes suos inpraemeditatos occupabant.

In qua etiam domo tradunt ignem fuisse inextinguibilem, cuius artifex requisitus quamdiu duraret respondit 'Donec virgo pariat'. Unde divulgatum est quod nocte Dominicae nativitatis eques ille cum domo corrui, et ignis ille extinctus (est).

Condensed from § 8.

Item *Beaneus Apollo* confectionem quandam sulphuris et nigri salis inclusit in vase aeneo, quam candela consecrata incendit, et balneum ibi fecit cum thermis perpetuo calentibus.

Condensed from § 10.

Erat quoque in domo quadam ferreum simulacrum *Bellerophonis* pondere quindecim millia librarum in aëre cum equo suo suspensum, nulla catena superius aut stipite inferius sustentatum; sed lapides magnetes in arcibus testudinum sive fornicibus arcuatis circumquaque ponebantur, et hinc inde proportionali attractione simulacrum in medio servabant, ita ut nullicubi posset dissilire.<sup>1</sup>

From § 9.

<sup>1</sup> CD read, attractione consistens quasi sub equilibrata mensura sic manebat.

Est ibi *theatrum in Heraclea* de ipso monte marmoreo ita sculptum ut *cellulae mansionum et sedilia per gyrum, exitus et antra ex uno solido lapide sint sculpta*, poniturque hoc totum opus super sex caneros ex ipso etiam monte sculptos, ubi nullus tam secrete aut secum aut cum alio loqui poterit quin omnes qui in circuitu erant audirent (*text of CD*).

From § 11.

Item *iuxta palatium Augusti est murus coctilis descendens per portam Asinariam a summis montibus, qui immensis fornicibus aquaeductus sustentat*: per quem amnis a montanis fontibus per spatium unius diaetae urbi illabatur, qui aereis fistulis postmodum divisus universis palatiis Romae quondam influebat. Fluvius namque Tiberis equis est salubris, sed hominibus noxius; quamobrem a quatuor urbis partibus per artificiosos meatus Romani veteres aquas recentes venire fecerunt: quibus dum res publica floruit, quicquid libuit consummare licuit.<sup>2</sup> *Iuxta hunc murum aquaeductus est illud balneum Beanei* de quo supra dicitur.

From § 18.

What follows next ('In albisterio . . . ' of an inextinguishable candle, and a section headed *Ranulphus* on the discovery of the body of Pallas, son of Evander) is not from Gregory.

p. 224. *De statu et signis Romae*. Fuit apud Romam *taurus aeneus in speciem Iovis transformati, qui mugienti et gesticulanti simillimus videbatur*.

From § 3.

Fuit et *imago Veneris* eo modo quo quondam nudo corpore *Paridi* se ostendebat, ita artificiose composita ut in niveo imaginis ore sanguis recens natate videretur.

From § 12.

Est etiam ibi *pyramis Romuli* ubi sepeliebatur *iuxta ecclesiam beati Petri*, quam peregrini, qui semper *frivolis abundant*, dicunt fuisse *acervum segetis beati Petri, quem cum Nero rapuisset in lapideum collem pristinae quantitatis ferunt fuisse conversum*.

From § 27.

Inter omnes pyramides mirabilior est *pyramis Iulii Caesaris* habens in altitudine ducentos quinquaginta pedes, in cuius summo fuit *sphaera aenea cineres et ossa Iulii* continens. De quo colosseo quidam metricus sic ait:

*Si lapis est unus, dic qua fuit arte levatu;*

*Si lapides plures, dic ubi contigui.*

*Hanc autem pyramidem super quatuor leones fundatam peregrini mendosum acum beati Petri appellant, mentiunturque illum fore mundum a peccatis qui sub saxo illo liberius potuerit repere.*

From § 29.

Then follows *de caballis marmoreis*, which differs from Greg. and is abridged from the ordinary *Mirabilia*.

p. 228. Est et aliud signum ante palatium domini Papae, equus aeneus et sessor eius manu dextra quasi populo loquens, sinistraque quasi fenum regens, habens avem cuculam inter aures equi et nanum quasi moribundum sub pedibus, quem peregrini *Theodoricum* vocant, vulgus *Constantinum*,

<sup>2</sup> D has: quicquid libuit licuit.

sed clerici curiae Marcum seu Quintum Curtium appellant. Hoc signum antiquitus sub quatuor (super decem CD) columnas aereas ante aram Iovis in Capitolio stabat, sed beatus Gregorius equitem et equum deiecit, et columnas in ecclesia Lateranensi posuit, Romani vero equitem et equum ante palatium (domini D) papae posuerunt. Qui Marcum illum appellant, hanc causam assignant.

Ex genere Messenorum corpore quidam nanus sed arte nigromanticus cum finitimos sibi reges subiugasset, Romanos aggressus est, quibus virtutem ferendi (et artem secandi arte sua penitus CD) ademit. Unde et ipsos in urbe conclusos diu obsedit. Nanus nempe ille quotidie ante solis occasum (ortum C) extra castra egrediens artem suam in agro exercuit. Quo comperto Romani strenuo militi Marco urbis dominium et memoriale perpetuum promiserunt si urbem liberaret. At ille muro urbis ex illa parte perforato qua nanus solebat praestigiari, de nocte exiens mane expectabat, quod et cuculus avis denunciabat voce sua. Arreptum nanum, quem armis non poterat, manu in urbem deportabat; et ne, si fandi copiam haberet, arte sua se forsitan liberaret, statim sub pedibus equi sui contrivit; unde et tale memoriale promeruit.

Qui vero Quintum Curtium illud vocant hoc assignant, quod hiatus quidam in media urbe patuit sulphurea exhalatione multos perimens; in quem responso Phoebi accepto Quintus Curtius, ut urbem liberaret, armatus se deiecit, et statim cuculus avis de hiatu illo exivit, et terra se conclusit.

From §§ 4, 5.

Aliud signum est imago Colossei, quam statuam solis aut ipsius Romae dicunt, de quo mirandum est quomodo tanta moles fundi potuit, aut erigi, cum longitudo eius sit centum viginti sex pedum. Fuit itaque haec statua aliquando in insula Herodii quindecim pedibus altior eminentioribus locis Romae. Haec statua sphaeram in specie mundi manu dextra et gladium sub specie virtutis bellicae in manu sinistra gerebat, in signum quod minoris virtutis est quaerere quam quaesita tueri. Haec quidem statua aerea, sed imperiali auro deaurata, per tenebras radiabat continuo, et aequali motu cum sole circumferebatur, semper solari corpori faciem gerens oppositam. Hanc (CD) cuncti Romani venientes flexis genibus adorabant (CD). Hanc beatus Gregorius cum viribus non posset, igne supposito destruxit: ex quo solummodo caput cum manu dextra sphaeram tenente incendio superfuit, quae nunc ante palatium domini Papae super duas columnas marmoreas visuntur. Miro quoque modo ars fusilis adhuc in aere rigido molles mentitur capillos et os loquenti simillimum praefert.

From § 6.

After a short passage from the *Policraticus* (ii. 15) we have:

p. 236. *Gregorius. Iuxta palatium Vespasiani, ubi sus alba de Pario lapide cum triginta porcellis aquam abluendis praebet, est tabula aenea peccatum prohibens, ubi scripta sunt potiora legis praecepta; et scribuntur ibi quasi aphorismi metrici quorum omnia fere verba subintelliguntur (CD).*

*Versus.* Gallus ibi quanquam per noctem tinnipet omnem

Sed sua vox nulli iure placere potest etc.

(Cf. *Anth. Lat.* no. 762, ll. 9-18).

From §§ 31, 32, 33.

With these lines the chapter on Rome ends. The whole of it, and indeed, so far as I can see, the whole of Higden's first book, has been transferred bodily to the pages of the *Historia Aurea* by the compiler of that work, John of Tynemouth. I have examined his text in the Corpus Christi MS. (no. 5) but have not found that it offers any valuable readings. The anonymous compiler of the *Eulogium Historiarum* has also appropriated most of the chapter; see the Rolls edition, i. 410-15. It is possible that some other writer may have used Gregorius independently of Higden; if so, he has eluded my investigation, which I cannot say has been exhaustive. Clearly Higden at any rate had seen the book. At present his citations and the St. Catharine's College MS. are the sole authorities for the text known to me.

## II

As to the sources of Magister Gregorius, one at least has been pointed out by Bock in the shape of the little tract *De septem miraculis mundi* printed among the works of Bede (e.g. Cologne ed., 1612, i. 400). Of the seven wonders described here, Gregorius has appropriated six, using the words of Pseudo-Bede to the extent indicated below by the employment of italic type. The tract runs thus:

De septem miraculis mundi, manu hominum facti(s).

1. Quod primum est, capitulum Romae, *saluatio ciuium*, maior quam ciuitas, ibique fuerunt *gentium* a Romanis captarum *statuae*, uel deorum imagines, et in statuarum *pectoribus nomina gentium scripta* quae a Romanis capta fuerant et *tintinabula in collis eorum appensa*. *Sacerdotes* autem *peruigiles diebus et noctibus* per uices ad harum *custodiam* cenam habentes intendebant: si quaelibet earum *moueretur*, *sonum* mox faciente *tintinabulo* ut scirent quae gens Romanis rebellaret. Hoc autem cognito, Romanis *principibus* uerbo uel scripto *nuntiabant*, ut scirent ad quam gentem *reprimendam exercitum* mox destinare deberent.

Greg. § 8.

2. *Pharus Alexandrina super quatuor cancos uitreos* per passus uiginti sub mari *fundata est*. Hoc namque mirum, *quomodo tam magni cancri fieri possent*, uel *quomodo deportari et non frangi ualerent*, qualiter *fundamenta caementitia* desuper haerere potuerint, uel *quomodo sub aqua caementum* stare ualeat, et *quare cancri non frangantur* et *quare non lubricant* desuper *iacta fundamenta*.

Greg. § 30.

3. *In Rhodo insula Colossi imago aerea centum triginta sex pedum* fusilis facta: hoc *mirum qualiter tam immensa moles fundi potuisset* uel *erigi et stare*.

Greg. § 6.

4. *Quartum miraculum Bellerophontis ferreum cum equo suo* in summa (l. Smyrna) ciuitate suspensum, *in aëre sistere*, nec *catenis* penditur, *nec desuper (!) ullo stipite sustentatur*, sed *magni lapides magnetum in archiuol(t)is habentur*, et *hinc et inde in assumptionibus trahitur*, et *ix*

*mensura aequiparata consistit ; est autem aestimatio ponderis circa quinque millia librarum ferri.*

Greg. § 9.

5. Quintum miraculum *theatrum in Heracl(e)a, de uno marmore ita sculptum est ut omnes cellulae et mansiones muri et antra bestiarum ex uno solidoque lapide factum est (!), super septem cancos de ipso lapide sculptos appendens sustinetur : et nemo in gyro tam secreta aut solus aut cum aliquo loqui potest, quod ipsum non audiant qui in gyro aedificii sistunt.*

Greg. § 17.

6. Sextum miraculum, *balneum quod Apollinus Tianaeus cum una candela consecrationis incendit, thermas perpetuo igne sine ulla administratione calentes fecit.*

Greg. § 10.

7. Septimum miraculum, *tempulum Dianae [etc.].*

Not in Greg.

Another text, printed from a twelfth-century manuscript (no. 220) in the catalogue of the manuscripts at Charleville,<sup>3</sup> gives a somewhat better form of the tract.

1. Primum est miraculum Capitolium romanum saluum et tutius quam ciuitas, cum et ibi sit *consecratio statuarum omnium gentium*. Quae statucae *scripta nomina gentis de qua assumptae fuerunt in pectore gestabant, et tintinnabulum in collo uniuscuiusque statucae erat ; sacerdotes quoque die ac nocte semper uigilantes eas custodiebant. Et (si) quae gens in rebellium consurgere conabatur contra Romanorum imperium, statua illius gentis commouebatur, et tintinnabulum in collo eius resonabat ; [et] ita ut scriptum nomen continuo sacerdos principibus deportaret, et ipsi sine mora exercitum ad premendam gentem illam transmitteret.*

2. Does not differ so much from the first text. It ends 'cur non lubricat fundamentum desuper, hoc magnum miraculum est, ac qualiter factum sit ad intelligendum uidetur esse difficile'.

3. Tertium est Colossi imago erea *in insula Rodi centum uiginti quinque pedum fusilis facta. Qualiter . . . potuerit uel erigi ut staret mirum est : xii. namque pedes altior est ista imago colossi illa quae Romae est.*

4. Quartum est *simulacrum Bellerophontis totum ferreum cum equo suo in Smirna ciuitate, quod suspensum in aëre consistens nec cathenis sustollitur nec desubtus ullo stipite sustentatur : sed magni lapides magnetium in arcibus supra habentur et hinc inde in assumptionibus trahitur et . . . consistit. Est . . . ferri.*

5 and 6 have no important variants : 7 is not quoted by Gregorius.<sup>4</sup>

Only one of the Seven Wonders, it will be seen, is at Rome ; the others are respectively at Alexandria, Rhodes, Smyrna, Heraclea, a place not specified, and Ephesus. Yet Gregorius includes all but the last in his survey of Rome. Does this mean that he is a complete impostor, who had never been at Rome at all and derived his information wholly from written sources ?

<sup>3</sup> In the quarto series of *Catalogues des MSS. des Départements*, vol. v.

<sup>4</sup> A text printed by Omont in the *Bibl. de l'École des Chartes*, 1882, does not contain any very notable variants.

Not necessarily, I think. It is not obvious from his words that he thought the Pharos of Alexandria was at Rome: he realizes that it is in the sea, and introduces the notice of it as a parallel to the wonderful construction of the pyramid of Julius Caesar, which he has just been describing. The Colossus of Rhodes he has confused inextricably with the great statue of Nero. It is doubtful whether he can have understood that the monument *was* at Rhodes, for the manuscripts alike of his text and of Higden read 'in insula Herodii' or 'Horedii', and there may very well have been a similar mistake in the manuscript of the Seven Wonders which he used. Of the statue of Bellerophon he says that it was once, *fuit*, at Rome, but does not claim to have seen it. The theatre of Heraclea he does seem to think he saw at Rome, and clearly he identified the bath of Apollonius of Tyana with some sulphureous spring there, for he says he saw it and washed his hands in it. Probably he was saved by his knowledge of the Acts of the Apostles and of the legends about St. John from including the seventh wonder, the temple of Diana at Ephesus, in his Roman list. In regard to his other blunders, I dare say he was drawn into them by the fact that the first wonder is clearly specified as being at Rome.

I do not, then, think of Gregorius as merely a Sir John Mandeville. I believe he had visited Rome. In the sections which are peculiar to his work he does seem to show an actual knowledge of what he describes,—of the *spinario*, the statue of Venus, the bath of Apollonius, the brazen tablet, and other things. He cites the authority of the Roman clerics for various stories, and refuses to believe all that the ordinary pilgrims have to tell. In short, though far from an intelligent observer, he is not an absolute and wilful liar.

His relation to the known *Mirabilia Romae* is the next point to be considered. There are remarkably few points of contact on the whole. Perhaps the best way of showing them, and of appreciating the character of Gregorius's book as a whole, will be to review the latter section by section, having regard to the sources employed by him in each.

The titles of the prologue and of § 1 both use the expression *mirabilia* in connexion with *Roma*.

§ 1. Stress is laid on the number of towers and palaces; the *Mirabilia* in all forms begin with a statement of the number of towers, castles, arches, &c.

Lucan and Hildebert are quoted. Possibly the latter is cited through William of Malmesbury, who in the *Gesta Regum*, iv (p. 415, ed. Stubbs), quotes the whole poem.

§ 2. Says there are 14 gates, but names only 13. The list does not agree with any of those in the *Mirabilia*. The Porta Aurea (? Aurelia in

*Mirab.*), sacra, Marcia, Livia, Aquileia are peculiar to *Greg.* as against the *Mirab.*, but he coincides with *Mirab.* in placing a list of the gates at the head of his description.

§ 3. The bull on the vallum of the Castle of Crescentius (Mausoleum of Hadrian). There is mention of this in Urlichs, pp. 106, 119. The *Mirab.* (43 Parthey) mention two gilt bronze bulls on the *fastigium* of the Pantheon.

§§ 4, 5. The statue of Marcus Aurelius. The two stories told here are not those of the *Mirab.* *Greg.* shows a consciousness of other stories, but prefers those which he learned from the cardinals. In the first story he has at least retained the name of Marcus for the hero. It resembles generally, but not in detail, the *Mirab.* story. The *Mirab.* give no name to the hero.

The second story, of Quintus Quirinus (Marcus Curtius), has suffered in the telling or in the transcription. The explanation of the *nanus* at the end is very awkward. The figure ought surely to have represented the lazy citizen who refused to sacrifice himself. The *Mirab.* tell the story of Curtius in another connexion and quite briefly (*Urlichs*, s. v. *Infernus*).

§ 6. Partly from *Septem Miracula*, see above. Lucan is quoted. The *Mirab.* (24 Parthey) agree that the head and hand 'nunc sunt ante Lateranum'.

§ 7. The *Spinario*, peculiar to *Greg.*

§ 8. *Saluatio civium*, from *Septem Miracula*, a shorter account in *Mirab.* (42 Parthey). See Graf, i. 182 ff. The 'donec uirgo pareret' is told of the Temple of Peace (*Urlichs*, p. 137) and of the golden statue of Romulus (*Mirab.* 5 Parthey), but Neckam, *de laud. div. sap.*, v. 309, agrees with *Greg.*

§§ 9, 10, 11. From *Septem Miracula*, with additions from personal experience in 10.

§ 12. The statue of Venus. Evidently of the 'Medici' type. The emphasis laid on the colour is interesting, but *Greg.* is not quite consistent about it; 'faciem purpureo colore perfusam' and 'niueo ore ymaginis' are difficult to reconcile. The statue is not in *Mirab.*

The marble horses. *Mirab.* tell their story at length (38 Parthey).

§ 13. Near the horses, Salomon and Bacchus, recumbent statues (doubtless of river-gods, like the extant one of the Nile). These must be the ones mentioned in *Mirab.* (26 Parthey) 'ibi in palatio fuit templum Saturni et Bacchi ubi nunc iacent simulacra eorum. ibi iuxta sunt caballi marmorei'.

§ 14. Palace of the Cornuti. Peculiar to *Greg.* Jupiter arenosus must be Jupiter Ammon, but I find no note of a temple to him at Rome. The *Anon. Magliabecch.* (*Urlichs*, *Cod. Urbis Romae topogr.*, p. 157) mentions 'domus Corneliorum quae dicitur deli cavaleri'. In the *Curiosum* Regio xii is Domum Cornificies.

§ 15. Palace (Baths ?) of Diocletian. Peculiar to *Greg.*

§ 16. Temple of Pallas, mentioned in *Mirab.* without description. The 'horreum cardinalium' and the headless statue of Pallas perhaps appear here first.

§ 17. Palace of Augustus. Peculiar to *Greg.*

§ 18. Aqueduct, apparently the Aqua Claudia.

§ 19. Domus Aquileia. The Domus Aquilii Iureconsulti is interpolated

into, the P. Victor text of the *Regiones*, from Pliny (*Reg. V*, Urlichs, p. 36). *Domus Frontoniana* does not seem to occur.

It is worth noting that on the *Septem solia* (*Septizonium*) *Greg.* quotes Ovid, *Met.* ii. 1, which is also quoted in one text of the *Mirab.* (Urlichs, p. 136): 'septisolum mire artis et altitudinis, habebat ordines columnarum unum super alium, unde Ovidius: regia solis erat', etc.

§ 20. Palace of the sixty emperors. Perhaps, Mr. Rushforth suggests, the palace of *all* the emperors, i. e. the Imperial Palace, as opposed to those that went by the names of individual emperors.

§ 21. The Pantheon. The lions and *concha* before it are still shown in sixteenth-century engravings.

§ 22. Arch of Augustus, no longer extant, unless it were that of Constantine, on which the 'extantes longe tabulae lapideae' are conspicuous; but see on § 26. The extent of the quotation from the inscription is not indicated in the manuscript.

I do not detect the source of *Greg.*'s account of the battle of Actium: perhaps it is nearest to that of Florus.

§ 23. Other arches, not specified.

§ 24. Arch of Pompey. *Greg.* may have drawn here from Eutropius, vi. 12, 16. Whether the arch can be identified I know not.

§ 25. Column of Fabricius, really that of Trajan or Antonine? *Epicautolium* is for *epicaustorium*, which simply means a chimney. After *in* I reckon that a word has fallen out, very unluckily, for it was probably the name of the country to which *Greg.* was to return. It may be suggested that *inde* is the right reading; but if the sentence be read, I think it will be agreed that it is not really likely. The source used is not quite clear. The name Philip for Pyrrhus's physician seems to be borrowed from a like story about Alexander the Great. The words of Pyrrhus resemble those given by Eutropius (ii. 14): 'Ille est Fabricius qui difficilium ab honestate quam sol a cursu suo auerti potest.'

§ 26. Arch of Scipio. The story of Scipio and Hannibal, which I do not find elsewhere, is of the same complexion as those of the statue of Marcus Aurelius. I cannot explain the name *Lircus*, which stands here for *Prusias*. Nor does the story of Hannibal's death agree in terms with any I have seen. Mr. Rushforth points out that this might be the Arch of Constantine, on which are reliefs taken from Trajan's Arch, with hunting scenes, in one of which a large dog is conspicuous.

§ 27. Pyramids. I do not recognize the word *h'ecnoidis*, which of course means some geometrical figure. The 'pyramid of Romulus' remained near the Castle of S. Angelo till Alexander destroyed it. The story that it represents a heap of corn stolen by Nero from St. Peter is new.

§ 28. Pyramid of Augustus, apparently a real pyramid and not an obelisk: possibly that of C. Cestius.

§ 29. Pyramid of Julius Caesar, i. e. the Vatican obelisk. See Graf, i. 290 sqq.

The distich *Si lapis est unus* occurs in the *Mirab.* (14 Parthey): Graf, p. 295.

The quotation from 'Marius' Suetonius is, to say the least, muddled: Suetonius has no such statement.

Neckam, *de laud. div. sap.* v. 320 (for the rest not agreeing with *Greg.*) has the line

Basis bis bino fulva leone sedet.

§ 30. The Pharos, from *Septem Miracula*. The reference to Isidore is probably to *Etym.* xvi. 1. 8, but this passage does not contain all that *Greg.* states.

§ 31. Marble sow, not in *Mirab.*

§ 32. Bronze wolf of the Capitol, and bronze ram, not in *Mirab.*

§ 33. Table called 'prohibens peccatum', not in *Mirab.* The nearest thing to it is the entry in *Mirab.* (19 Parthey): 'in muro S. Basilii fuit magna tabula (ere Montfaucon) infixata, ubi fuit amicitia scripta in loco bono et notabili; que fuit inter Romanos et Iudeos tempore Iude Machabei.' But I hardly think this can be our tablet, which, it seems, must either have had a large number of the single letters in which Roman formulae are so apt to be conveyed, or else, as Mr. Rushforth suggests, must have been couched in the compressed phrases of archaic law, such as we find in the Twelve Tables.

It will be seen that the use of the *Mirabilia*, as we have them, on the part of Gregorius is not clearly to be made out. Both works incorporate current local legends, and there are coincidences, but, on the whole, not many. Gregorius's list of the city-gates (§ 2) is unlike anything else in his tract, and makes one think that he at one time intended a systematic survey of Rome, such as the *Mirabilia* also attempt. Like them, too, he classifies the monuments which he describes: brazen statues, marble statues, palaces, pyramids, arches, are put together, but only roughly. I do not see that he copied any authority extensively, except the tract on the Seven Wonders of the world.

The identification of the various monuments could of course be carried further than I have carried it. Only in the most obvious cases have I ventured suggestions. The subject of Roman topography is not one for an amateur to handle: my only object is to put a new and interesting text before the public in a fairly readable form.<sup>5</sup> Errors of the manuscript are placed within square brackets; emendations within angular brackets. Several corrupt passages remain for others to heal.

Who our author was and where he lived there is very little to show. As I have noted above, our manuscript has spoilt the one sentence which promised to tell us his country (§ 25). His prologue and title show that he was a member of a religious society which included a magister Martinus and a dominus Thomas, and that he was himself a magister. Whether his society was monastic or secular we are left to guess. The facts that he is quoted only by an English writer and that our only manuscript is English

<sup>5</sup> Mr. G. M<sup>c</sup>N. Rushforth has read the text, and has kindly made suggestions, some of which I have embodied in my notes.

ought to go for something: perhaps we may add that he very likely quotes Hildebert's verses through the medium of William of Malmesbury. Slight coincidences with Alexander Neckam have been noted above, but they are very slight. At one moment I thought I saw one more marked, in the line (v. 342)

*Cornutas frontes horreo: Roma, vale* (cf. § 14)

but, read with the context, this can only mean 'mitred brows'.

Such scanty evidence as there is inclines me to claim Gregorius as an Englishman and to place him in the twelfth century.

M. R. JAMES.

*Incipit prologus magistri Gregorii de mirabilibus que Rome quondam 190 a. fuerunt vel adhuc sunt, et quorum uestigia presens memoria hodie retinet.*<sup>1</sup>

Multo sociorum meorum rogatu et precipue magistri Martini et domini Thome et aliorum plurium dilectissimorum meorum cogor que apud Romam maiori admiratione digna didici scripto assignare. Ceterum ualde uereor parum conferenti relatione sacrum studium uestrum et lectionis diuine interpolare delicias, et aures summorum doctorum sermonibus assuetas rudi oratione offendere erubesco. Quis enim deliciis assuetos conuiuas aride et rusticane cene presumat inuitare? Hinc est quod cunctabundam<sup>2</sup> manu operi promisso coactus inpono. Quoniam dum incompositi sermonis mei nuditatem attendo, sepe sumpturus calamum mentem a proposito reuoco. Sed uicit tandem apud me uotum consodalium uerecundiam meam, qui ne ueritati promisse obuiarem sumpto calamo in<sup>3</sup> manu rudi et minus perita opus promissum quo melius potui in hunc modum persolui. *Explicit prologus.*

*Incipit narracio de mirabilibus urbis Rome que uel arte magica uel humano labore sunt condita.*

§ 1. Uehemencius igitur admirandam ce(n)seo tocius urbis inspectionem. Vbi tanta seges turrium, tot edificia palatiorum, quot nulli hominum contigit enumerare. Quam cum primo a latere montis a longe 190 b. uidissem, stupefactam mentem meam illud Cesarianum subiit, quod quondam uictis Gallis cum Alpes superuolaret inquit magne miratus

*Menia Rome*

*Tene deum sedes non ullo Marte coacti*

*Deseruere uiri! pro qua pugnabitur urbe?*

*Diū melius, etc.*

Lucan iii.  
90 sqq.

Paulo post: *Ignauæ manus liquere urbem capacem turbe humani generis si coiret*; et Romam inuocans *instar summi numinis* eam appellat. Cuius incomprehensibilem decorem diu admirans deo apud me gratias egi, qui magnus in uniuersa terra ibi opera hominum inestimabili decore mirificauit. Nam licet tota Roma ruat, nil tamen integrum sibi potest equiparari. Unde quidam sic ait:

*Par tibi, Roma, nichil, cum sis prope tota ruina:*

*Fracta docere potes integra quanta fores.*

Hildebert,  
P. L. clxxi.  
1409.

<sup>1</sup> hodie retinet] hodieque manet.

<sup>2</sup> cunctabundam] contaliundam.

<sup>3</sup> calamo in] calamoni.

*Readings  
of the MS.*

Cuius ruina ut arbitror docet euidenter cuncta temporalia proxime ruitura, presertim cum capud omnium temporalium Roma tantum cotidie languescit et labitur.

§ 2. Huius urbis porte .xiiii. sunt, quarum hec sunt nomina :

Porta aurea. Porta Latina. Porta sacra. Porta Salaria. Porta Marcia. Porta Liuia. Porta Collatina. Porta Flaminea<sup>4</sup>. Porta Numan-  
tia. Porta Appia. Porta Ti[r]burtina. Porta Aquileia que nunc sancti  
Laurentii dicitur. Porta Asinaria.

191 a. § 3. Et primum quidem de signi(s) ereis huius | urbis disseram.

*De signo primo eneo.* Primum signum ereum taurus est in specie illius quo Iupiter Europam iuxta fabulam decepit. Hoc<sup>5</sup> autem signum eminens a uallo castri Crescentii tanto pollet artificio ut inspicientibus mugituro et moturo similis uideatur.

§ 4. *De secundo signo.*

Aliud signum eneum est ante palatium domini pape, equus uidelicet immensus et sessor eius, quem peregrini Theodericum, populus uero Romanus Constantinum dicunt. At cardinales et clerici Romane curie seu Marcum seu Quintum Quirinum appellant. Hoc<sup>5</sup> autem memoriale mira arte perfectum super iiii<sup>or</sup> columnas ereas antiquitus ante aram Iouis in capitolio stabat : set beatus Gregorius equitem et equum suum deiecit, et quatuor columpnas prefatas in ecclesia beati Iohannis Lateranensis posuit. Romani uero equitem cum equo ante palatium domini pape posuerunt. Eratque equus et eques et columpne optime deaurate, set pluribus in locis partem auri<sup>6</sup> Romana abrasit auaricia, partem uero uetustas deleuit. Sedet autem eques manum dexteram dirigens tanquam populo loquens uel imperans. Sinistra manu frenum retentat, quo capud equi in dexteram partem obliquat, tanquam alio diuersurus. Auicula

191 b. etiam quam cuculam uocant inter aures equi sedet, | et nanus<sup>7</sup> quidam sub pede equi premitur, miram morientis et extrema patientis speciem representans. Hoc autem opus admirabile sicut diuersa sortitum est nomina, sic et diuersas compositio causas suscepit. Ceterum peregrinorum et Romanorum super hac re uanas fabulas penitus declinabo, eamque originem huius operis assignabo quam a senioribus et cardinalibus et uiris doctissimis didici.

Qui Marcum appellant, hanc compositiois causam assignant.

Rex Misenorum corpore quidem nanus<sup>7</sup> peritie uero artis nigromancie pre<sup>8</sup> cunctis mortalibus inbutus, cum finitimos sibi reges subiugasset, regnum Romanorum aggressus est, cum quibus facili euentu<sup>9</sup> plurima bella gessit. Quippe et robur hostium et aciem armorum arte magica ita prestrinxit quod hostes uirtutem ferendi et arma usum secandi penitus amiserunt. Vnde facile superior factus in omni certamine Romanos tantum castris coegit confidere. Ad ultimum autem eos arta obsidione<sup>10</sup> circumdedit. Obsessi itaque Romani nullum subsidium sibi reperire

192 a. potuerunt. Magus etenim ille memoratus singulis diebus ante lucis | ortum extra castra solus egrediebatur, auisque a castris quantum clamor auditur

<sup>4</sup> porta flammea.

<sup>5</sup> Hos.

<sup>6</sup> corr. from auro.

<sup>7</sup> manus.

<sup>8</sup> pre] praua.

<sup>9</sup> euentui.

<sup>10</sup> obsidi esse.

appellantis, artem magicam solus in agro exercuit. Ibiq̄ue uerbis quibusdam secretis et prestigiis potentibus obtinuit ne Romani ullam uirtutem uictorie contra eum possent exercere. Quod cum a Romanis compertum esset, et ex multa consuetudine didicissent eum ita a castris exire, quandam militem strenuissimum<sup>11</sup> Marcum nomine adierunt. Cui summum honorem promiserunt si se uellet periculo opponere ut urbem ab illa obsidione liberaret. Dominiumque ei liberate urbis pepigerunt, et memoriale sempiternum promiserunt. Quibus cum prono fauore paruisset, sancito federe<sup>12</sup> protinus murum et anum<sup>†</sup> murale ex ea parte qua rex predictus exire solebat noctu perforauerunt ubi miles memoratus cum equo suo transire posset. Deinde ei consilium suum aperierunt, uidelicet ut nocte exiens regem Misenorum a castris egredientem non armis aggredere-  
tur, quibus minime ledi potuisset, set manu raptum intra muros reciperet. Quorum consilio omnino paruit, et de nocte media murum exiuit. Cumque auroram uigili animo exspectaret, cuculus ut assolet cantum emisit, | signum scilicet lucis orientis. Quo eques admonitus ascenso equo regem<sup>192 b.</sup> tunc primum frustra magica arte occupatum conspicit. Et eo uasto inpetu raptus inprouiso casu magum<sup>13</sup> manu raptum infra murum recepit. Quem in conspectu populi, metuentis <ne> si capto fandi moram concederet, se per artem magicam liberaret, sub pedibus equi sui contritum occidit. Non enim armis ei quisquam nocere potuit. Deinde portis apertis rege perempto exercitum perturbatum et in fugam conuersum inuadunt et occidunt, maximaque copia in ea pugna capta et cesa est. Nec ulla spolia tantum Romanorum ditauerunt erarium; et ob huius beneficii commodum pretaxatum ei memoriale statutum est. Cui equum adhibuerunt, quod ueloci cursu profuit, auem, quod nuncia lucis exstitit. Nanum autem sub pedibus equi posuerunt, quod protritum occubuit.

§ 5. *Alia causa composi(ti)onis huius signi.*

Qui uero Quintum Quirinum dicunt, hanc causam assignant.

Tempore quo Quintus Quirinus r. p. rexit, in palatio Salustiano terra magno hiatu dissiliit. Vnde ignis sulphureus et aer corruptus exiuit, quibus orta grauissima pestilencia magnam partem | Romanorum deleuit.<sup>193 a.</sup> Cumque tabe moriencium pestilencia cotidie sumeret incrementum, Febo consulto didicerunt quod numquam cessaret nisi aliquis Romanorum se sponte hiatu prefato precipitaret, preferens salutem populi sue proprie salutis. Itaque<sup>14</sup> quandam ciuem Romanorum, genere se quidem stirpis, set etate et ignauia inutilem sibi et urbi uitam degentem, exorauerunt ut se uictimam pro salute immense urbis faceret. Ea quidem condicione, quod progeniem eius totam ditarent et in numero potentum susciperent. Qui id omnino renuens respondit nichil sibi prodesse posteritatis gloriam suscipe(re si) uiuus regionem intraret tartaream. Deinde uero cum in tota urbe nullum penitus inuenirent qui ad ullam conuentionem huiusmodi uictimam uelle(t) persoluere, Quintus Quirinus coram contione tocuis urbis sic ait: Sepe in ancipiti casu bellorum pro re publica periculum subiui mortis. Nunc autem cum nemo reperitur qui salutem populi sui preferat proprie salutis, princeps ego orbis e(t) urbis huius dominus paratus sum pro salute ciuium uiuus tartareum ingredi aditum. Idque coniugi

<sup>11</sup> strenuissima.

<sup>12</sup> fidere.

<sup>13</sup> magnum.

<sup>14</sup> Itaque] In

mee et liberis et toti posteritati mee inconcusse seruari uolo quod ignauis promissum est. Et ascenso equo coram cuncti(s) alacer et intrepidus, 193 b. tanquam | conuiuium aditurus, se cursu ueloci in aditum prefatum precipitauit. Et protinus quedam auis in specie cuculi inde exiuit<sup>15</sup>, et ilico hiatus os suum compressit, et omnis pestilencia habiit. Liberati itaque a tanta peste Romani ob summum beneficium memoriale ei statuerunt sempiternum. Cui equum quod eo uectus pro cunctis mactatus est adhibuerunt, auem uero que a specu exiuit inter aures equi statuerunt, et nanum qui cum uxore eius concubuit pedibus equi supposuerunt.

§ 6. De tercio signo eneo.

Tercium signum est imago Colosei, quam quidam statuam solis existimant, alii Rome effigiem dicunt. De qua hec admodum miranda sunt. Videlicet quomodo tanta<sup>16</sup> moles fundi potuit uel quomodo erigi aut stare mirum est. Fuit enim longitudo eius, ut scriptum repperi, c. xx. vi pedum. Stabat autem hec imago tam immense magnitudinis in insula Herodii super Colosseum .xv. pedibus altior eminentioribus locis et urbe. In manu dextera<sup>17</sup> speram gerebat, et in sinistra gladium. Per speram mundum et per gladium bellicam significabat (uirtutem). Gladium autem ideo Romani sinistre et speram dextre commiserunt, quod minoris uirtutis est querere quam quesita seruare: unde quidam familiaris philosophie sic ait:

194 a.  
Lucan i,  
510.

*O facile(s) dare<sup>18</sup> | summa deos, eademque tueri  
Difficiles!*

Quare non ob aliam causam firmiori parti<sup>19</sup> commiserere speram et infirmior gladium, nisi quia minori uirtute orbem sibi subiugauerunt quam subiugatum seruauerunt. Hec autem imago enea tota auro imperiali deaurata per tenebras irradiabat. De qua longe ante omnia monstruosum fuit quod continuo et equali motu cum sole circumferebatur, semper solari corpori faciem gerens oppositam. Qua de causa multi<sup>20</sup> solis imaginem credebant. Hanc dum Roma floruit quicumque Romam ueniebat flexis genibus adorabat, Rome scilicet deferens honorem, cuius suplex uenerabatur imaginem. Hanc autem statuam post destructionem omnium statuarum que Rome fuerunt et deturpacionem beatus Gregorius hoc modo destruxit. Cum tantam molem multa ui et graui conamine non posset euertere, copiosum ignem idolo supponi iussit, et sic immensum illud simulacrum in antiquum chaos et rudem materiam redegit. Ex quo tamen caput et manus dextera cum spera tanto superfuere incendio. Que nunc ante palatium domini pape duabus marmoreis erecta columpnis mirandum spectaculum cunctis spectantibus exhibent. Nam cum horrende magnitudinis sint, mira tamen<sup>21</sup> laus ar(t)ificis in his apparet<sup>22</sup>. Nichil quippe habet 194 b. perfecte | pulcritudinis humanum capud uel manus quod his ulla parte desit. Miro enim modo ars fusilis in ere rigido molles mentitur<sup>23</sup> capillos. Quod si quis defixis<sup>24</sup> luminibus attentius inspexerit, moturo et locuturo simillimum tidentur. Nullum namque signum, ut aiunt, tanta cura uel in pensis in urbe conditum fuit.

<sup>15</sup> inde exiuit] nō exiit.

<sup>16</sup> tanta] tanta.

<sup>17</sup> altera dextera.

<sup>18</sup> dare] dere.

<sup>19</sup> parte.

<sup>20</sup> Qua de causa multi] Quare nisti causa.

<sup>21</sup> tamen] cum.

<sup>22</sup> apparet.

<sup>23</sup> mentitur] inrētur.

<sup>24</sup> defexis.

§ 7. *De ridiculoso simulachro Priapi.*

Est etiam aliud eueum simulacrum ualde ridiculosum quod Priapum dicunt. Qui demisso<sup>25</sup> capite uelud spinam calcatam educturus de pede, asperam lesionem patientis speciem representat. Cui si demisso<sup>25</sup> capite uelut quid agat exploraturus suspexeris, mire magnitudinis uirilia uidebis.

§ 8. *De multitudine statuarum.*

Inter uniuersa opera monstruosa que Rome quondam fuerunt, magis miranda est multitudo statuarum que Saluacio ciuium dicebatur. Hic arte magica fuit consecratio statuarum omnium gentium que Romano regno subiecte fuerunt. Nulla etenim gens siue regio subiecta fuit Romano imperio cuius imago in quadam domo ad has consecrata non esset. Huius autem domus magna pars parietum adhuc restat, et cripte eius horride et inaccessibiles apparent. In hac quondam domo predictae imagines ex | ordine stabant, et quelibet imago nomen gentis illius cuius imaginem tenebat in pectore scriptum habebat, et tintinnabulum argenteum, quod 195 a. omni metallo sonorius est, unaqueque in collo gerebat. Erantque sacerdotes die ac nocte semper uigilantes, qui eas custodiebant. Et si qua gens in rebellionem consurgere conabatur in imperium Romanorum, protinus statua illius mouebatur, et tintinnabulum in collo eius sonuit et statim scriptum nomen illius ymaginis sacerdos principibus deportabat. Erat autem supra domum hiis ymaginibus consecratam miles eueus cum equo suo semper concordans motui ymaginis, lanceamque apud illam gentem dirigens cuius ymago mouebatur. Hoc itaque non dubio indicio premoniti Romani principes sine mora exercitum ad rebellionem illius gentis reprimendam direxerunt. Qui sepius hostes antequam arma et impedimenta parassent preuenientes facile et sine sanguine eos sibi subiugauerunt. Fertur autem in eadem domo ignem inextinguibilem tinesse<sup>26</sup>. De hoc autem mirando opere artifex sciscitatus quam diu duraret, respondit illud duraturum donec uirgo pareret. Dicunt autem ingenti ruina militem prefatum cum domo sua corruisse ea nocte qua Christus natus fuit de uirgine, et lumen illud ficticium et magicum | exteritum<sup>27</sup> est, iure, cum lux 195 b. uera et sempiterna oriri cepisset. Credibile est et malignum hostem potentiam fallendi homines deseruisse cum deus homo esse cepisset.

§ 9. *De ferreo simul(acro)Belloforontis [sic].*

Fuit etiam ingens miraculum Rome, ferreum simulacrum Belloforontis cum equo suo consistens in aëre, nec tamen ulla cathena superius appensum, nec inferius ullo stipite sustentatum. Set magnetes lapides in arcus inuolsura<sup>28</sup> circumquaque habebantur<sup>29</sup>, et hinc et inde in assumptione proportionali trahebatur, et sic in mensura equiparata constabat. Erat tamen existimacio ponderis huius circiter xv. m.<sup>30</sup> librarum ferri.

§ 10. *De balneo Bianei Appollinis.*

Est etiam ualde mirandum balneum Bianei Appollinis quod Rome adhuc est. Hoc autem balneum Bianeus Apollo confectione quadam

<sup>25</sup> dimisso.

<sup>26</sup> inesse] inc'e'.

<sup>27</sup> exteritum] qu. extinctum.

<sup>28</sup> arcus inuolsura (qu. inuoltura)] artus molsura.

<sup>29</sup> habebantur bis.

<sup>30</sup> m.] iii.

sulphuris et nigri salis et tartari arte miranda enco uase inclusa perfecit. Perfectasque termas cum una candela consecrationis incendit, et perpetuo igne calentes effecit. Hoc quidem balneum ipse uidi et in eo manus laui. Datoque precio balneari renui ob fetorem odoris sulphurei.

§ 11. *De theatro in Eraclea.*

196 a. Theatrum autem admirabile in Eraclea de monte marmoreo inter monstruosa | non pigebit referre. Quod<sup>31</sup> quidem ita scu(1)ptum est ut omnes cellule mansionum et sedilia uniuersa per girum et exitus omnes et antra ex uno solidoque lapide<sup>32</sup> sculpta sint. Uniuer(sum) etiam hoc opus super .vi. caneros ex ipso monte sculptos innititur. Ubi nullus tam secreta aut solus aut cum alio loqui potest quod omnes qui in circuitu sunt non audiant.

Hactenus de iis que maiori admiratione digna sunt diximus.

§ 12. Nunc uero pauca subiciam de signis marmoreis, que pene omnes a beato Gregorio aut delete aut deturpate sunt. Quarum unam propter eximie pulcritudinis speciem primum referam.

Hec autem ymago a Romanis Ueneri dedicata fuit in ea forma in qua iuxta fabulam cum Iunone et Pallade Paridi in temerario examine dicitur Uenus se nudam exhibuisse. Quam temerarius arbiter intuens inquit

*Iudicio nostro uincit utramque Uenus.*

Hec autem ymago ex Pario marmore<sup>33</sup> tam miro et inexplicabili perfecta est artificio ut magis uiua creatura uideatur quam statua: crubescenti etenim nuditatem suam similis, faciem purpureo colore perfusam gerit. 196 b. Videturque | comminus aspicientibus in niueo ore ymaginis sanguinem natate. Hanc autem propter mirandam speciem et nescio quam magicam persuasionem ter coactus sum<sup>34</sup> uisere, cum ab hospicio meo duobus stadiis distaret.

Non longe inde sunt equi marmorei mirande magnitudinis et artificiose compositionis. Hii autem ut fertur priorum conpotistarum ymagine fuerunt. Quibus ideo equi assignati sunt quia uelocis ingenii fuerunt.

§ 13. Iuxta hos sub duabus fornicibus recubant due seniorum imagines ex marmore, quarum utraque porrigitur in longitudinem .xl. pedum. Harum alteram Salomonis effigiem dicunt, alteram uero Liberi Patris ymaginem asserunt. Set qui Bacus dicitur uiteam stipitem gerit in manu. Qui uero Salomon appellatur sceptrum tenet in manu.

§ 14. *De palat(i)o Cornutorum.*

Prope has est palacium Cornutorum ampla quidem et altissima domus, in qua quidem multe ymagine sunt, set omnes cornute. Inter quas quedam ymago que longe ceteris maior est Iupiter arenosus dicitur. Set alii quibus magis credendum arbitror dicunt Cornutos quandam familiam fuisse qui 197 a. illud palatium edificauerunt: hii<sup>35</sup> | autem in urbe uiri magni et clari<sup>36</sup> quondam<sup>37</sup> in hostes et ciues<sup>38</sup> superbi fuere et feroces, et Cornuti sunt a ciuibus appellati.

<sup>31</sup> Quod] Quid.

<sup>32</sup> lapidem.

<sup>33</sup> marmorie.

<sup>34</sup> sum] siue.

<sup>35</sup> hii bis.

<sup>36</sup> clari] clarei.

<sup>37</sup> quondam] quoniam.

<sup>38</sup> ciues.

§ 15. *De pallacio Diocleciani.*

Palatium etiam Diocleciani preterire non possum, ubi urbis opus habetur. Cuius amplissimam magnitudinem et artificiosissimam et admirabilem compositionem scribere non sufficio. Hoc autem tam spaciose magnitudinis (est) quod illud in maiori parte diei exacte per totum uisere non potui. Ubi tante altitudinis columnas repperi quod nemo lapillum usque ad capitale potest proicere. Quarum quamlibet, ut a cardinalibus accepi, centum uiri uix per annum secare, polire, atque perficere potuerunt. De quo loqui refuto, quoniam si uerum dixero, ueritati obuiare uidebor.

§ 16. *De templo Palladis.*

Templum etiam Palladis opus quondam insigne fuit. Set multo sudore Christicolarum deiectum et longo senio dirutum, cum totum deleri non possit, pars que residua est horreum est cardinalium. Ibi magna congeries est fractarum effigierum: ibi etiam armata ymago Palladis, adhuc super altissimam testudinem exstans, amisso capite truncata, (spectaculum) mirandum intuentibus exhibet. Hoc<sup>39</sup> ydolum in maiori ueneratione erat apud ueteres Romanorum. Huic adducebantur Christicole, et quicumque flexis genibus Palladem non | adorabat, diuersis penis 197 b. uitam terminabat. Ad hoc ydolum uel simulacrum<sup>40</sup> Ypolitus cum familia sua adductus, quod illud neglexit, equis distractus martirium subiit.

§ 17. Pallacium autem diui Augusti non pretereo. Hec quidem amplissima domus admodum excellebat, iuxta excellentiam conditoris Augusti. Hec autem domus tota marmorea pretiosam materiam et copiosam edificandis ecclesiis que Rome sunt prebuit. De qua quoniam parum restat pauca dixisse sufficiat. Restat autem in(de) quedam particula solii ubi hec scripta repperi: *Domus diui Augusti clementissimi.* Qui, cum esset dominus urbis et totius orbis<sup>41</sup>, appellationem tamen domini omnino uitauit.

§ 18. Iuxta hoc palatium est murus quidam ex latere coctili<sup>42</sup> descendens a summis montibus. Qui immensis fornibus aque ductum sustentat per quem annis<sup>43</sup> a montanis fontibus per spacium unius diete urbi illabatur. Qui ereis fistulis postmodum diuisus uniuersis palatiis quondam influebat. Fluius etenim Tiberis qui urbem prelabitur equis utilis est, set hominibus inutilis et nocuus habetur. Quare a quatuor partibus urbis per artificiosos meatus Romam (Romani?) ueteres aquas recentes uenire fecerunt. Quibus dum r. p. floruit quicquid libuit licuit<sup>44</sup>.

Iuxta murum | aque ductus, qui per portam Assinariam descendit, est 198 a. balneum Biane Appollinis, quod una candela consecrationis semel accendit, et perpetuo, ut prediximus, calentes effecit.

§ 19. Prope hoc balneum est domus Aquilea et domus Frontoniana<sup>45</sup>. Set cui contigit uniuersa palatia urbis Rome sermone persequi, cum nemini, ut arbitror, uniuersa uidere contingat? Nunc itaque palacium Tiberianum, opus quidem mirandum et immensum, pretereo. Neronis etiam palatium, et diui Nerue mirabile edificium, et Octauiani<sup>46</sup> palatium

<sup>39</sup> Hoc] Hoo.<sup>40</sup> simulacri.<sup>41</sup> orbis] urbis.<sup>42</sup> coctilis.<sup>43</sup> annis.<sup>44</sup> Cf. *Polychron.* (above, p. 535).<sup>45</sup> frontoniana.<sup>46</sup> octauiam.

transeo. Septem etiam solia mire artis et altitudinis sileo. Vnde ut aiunt Ouidius inquit

Ov. Met.  
ii. 1.

*Regia solis erat sublim[in]ibus alta columpnis*<sup>47</sup>  
*Clara micante auro flammasque ymitante piropo.*

§ 20. *De palatio .lx. inperatorum.*

Palatium etiam .lx. inperatorum describere quis poterit? Quod cum ex maiori parte lapsum sit, fertur tamen omnes Romanos huius temporis quod in(de) adhuc superest pro tota substantia sua non posse dissoluere.

§ 21. *De Pantheon*<sup>48</sup>.

Pantheon autem breui transitu pretereo, quod quondam erat idolum omnium deorum, immo demonum. Que domus nunc dedicata ecclesia in honore omnium sanctorum sancta Maria Rotunda uocatur, antonomastice<sup>49</sup> quidem a prima et pociori parte, cum sit omnium sanctorum ecclesia. Hec quidem habet porticum spaciosam multis et mire altitudinis colum-  
198 b. pnis marmoreis | sustentatam. Ante quam conche et uasa alia miranda de marmore porfirico et leones et cetera signa de eodem marmore usque in hodiernum diem perdurant. Huius domus latitudinem ipse mensus sum, habetque spacium .cc. lx. vi. pedes in latitudine. Cuius quondam tectum deauratum fuit per totum. Set inmoderatus amor habendi et auri sacra fames Romani<sup>50</sup> populi aurum abrasit et templum deorum suorum deturpauit. Qui ob inexplebilem cupiditatem, dum aurum sitiuit et sitit, a nullo scelere manum retraxit aut retrahit.

§ 22. *De archu triumphali Augusti*<sup>51</sup>.

Prope hoc templum est archus triumphalis Augusti Cesaris, in quo hoc epigrama scriptum repperi: *Ob orbem deuictum Romano regno restitutum et r. p. per Augustum receptam populus Romanus hoc opus condidit*: uidelicet tante uictorie tantique triumphii perpetuum posteritatis monumentum. Est archus ipse marmoreus et multiplex, in quo super extantes longe tabulas lapideas erecte sunt imagines illorum qui principes milicie fuerunt aut qui strenue pugnando preempti sunt uel aliquid memorandum in hostes gesserunt. Inter quas imago Augusti maior ceteris mira arte celata  
199 a. precellit, et ubi triumphat, et ubi hostes | superat, ab omnibus in pictura cognoscendus. Preterea in arcu prefato exercitus undique celatus et undique bella detestanda<sup>52</sup>, que cum intencius aspicias, uera bella uidere existimes. Ibi opere mirabili Actiacum<sup>53</sup> bellum simulatur, in quo Cesar preter spem uictorie superior factus in certamine Cleopatram<sup>54</sup> biremi quadam fugientem persequitur, capturoque similis<sup>55</sup> Cleopatra subducitur, et apposisis aspidibus mammis<sup>56</sup> suis in Pario marmore superba mulier moritura pallescit. De hoc bello Cesar Augustus summum honorem attigit, et hoc modo triumphauit. Quatuor albi equi currum aureum in quo<sup>57</sup> sedebat togam auro et gemmis intextam indutus trahebant, quos

<sup>47</sup> This line has strayed from its place and has been inserted after detestanda (§ 22, note 52). <sup>48</sup> corr. from Panthaleon. <sup>49</sup> antonomastice] antonomia site.

<sup>50</sup> Romani] roma in.

<sup>51</sup> augusti.

<sup>52</sup> See note 47.

<sup>53</sup> Atticum.

<sup>54</sup> deopatram.

<sup>55</sup> A stop after similis is wanted, and perhaps a word or two has dropped out.

<sup>56</sup> mannis.

<sup>57</sup> quos.

iiii<sup>or</sup> nobilissimi Romanorum direxerunt. Et ante eum longo ordine reges, duces, ac principes captiui, manus post terga uincti, et innumera-biles alii celeberrime pompe producebantur. Erantque bella eius et actus strenui lingua omnium gentium que Rome habitabant composita, que legere et cantare in triumpho populus non cessabat. Preterea autem et in tabulis uictoria eius depicta fuit ut hii qui laudem eius audire non possent, eam cernerent. Celebri itaque cantu et inenarrabili iocunditate ipsum in Tarteram<sup>58</sup> rupem usque ad Capitolium perduxerunt, ubi ipse arma quibus | in bello usus fuerat, et que hosti manu propria detraxerat, obtulit 199 b. et in tolis signum tante uictorie suspendit. Ibique a senatu et patribus [et] conscriptis et populo Romano sibi prouincia ultima dabatur, ut fama triumphi et laus tante uictorie per uniuersum orbem claresceret. Hanc rem gestam ut presenti relatione docui arcus pretaxatus sculptis ymaginibus per omnia representat.

§ 23. Uidi etiam alios archus triumphales plures, set huic opere et sculptura ualde similes. Quare et de qualitate aliorum dictum est, ubi archus iste triumphalis<sup>59</sup> descriptus est: Vnusquisque etenim bellum uictoris et actus eius egregios arte miranda celatus, inmensum decus priorum presentibus representat.

§ 24. *De archu Pompeii.*

Est etiam arcus triumphalis Magni Pompeii, ualde mirandus, quem habuit de uictoria quam obtinuit uicto Metridate et filio eius Pharoace<sup>60</sup>. Hi Romanis per .xl. annos rebelles fuerunt. Qui ad ultimum pirates effecti Sillam contra<sup>61</sup> eos missum superauerunt et in fugam conuerterunt. Ad quos postmodum missus Pompeius ante mensem ultra spem Romanorum felici usus fortuna memoratum Metridatem cum filio suo et copiis omnino deuicit. Postea autem antequam Romam redisset, magnam partem 200 a. orientis deuicit et Romanis tributarios effecit<sup>62</sup>. Vbi inmensum pondus auri et argenti quesuit: quod longo ordine Pompeiano triumpho prelatum<sup>63</sup> est. Quod sculptura arcus triumphalis eius usque in hodiernum diem representat.

§ 25. *De columpna triumphali Fabricii.*

Uidi etiam columpnam triumphalem Fabricii quam sibi deuicto Pirro rege Epirotarum Romani statuerunt. Qua ut arbitror nil alcius habet Roma: est enim columpna ista rotunda et caua ad instar epicaustolii. Sunt etiam alie iii<sup>or</sup> ad similitudinem istius, quas Romani fistulas uocant marmoreas. Que cum admodum grosse sint, uidentur tamen gracillime ob nimiam altitudinem. Set in quorum honore fuissent edite nondum potui cognoscere. At cum fauente deo in <sup>†</sup> ex hac peregrinatione rediero, denuo que nunc ambigua sunt et que penitus latent adhuc maiori mora et exercitatori indagacione perscrutabor, et perscrutata gratanter amicis partibor.

Nunc autem ad cognita redeo et columpnam clari Fabricii redeo. Qui ab hoste Pirro hoc approbatus est eulogio descriptus. Cum Fabricius quendam Philippum Pirri medicum<sup>64</sup> domino suo uinctum mitteret,

<sup>58</sup> sc. Tarpeiam.

<sup>59</sup> corr. from triumphales.

<sup>60</sup> sc. Pharnace.

<sup>61</sup> contra] intra.

<sup>62</sup> effecit] effectus.

<sup>63</sup> prelatum] prelectum.

<sup>64</sup> corr. from medico.

quod uitam domini sui secum pro auro habuit, Pirrus legatis Fabricii  
 200 b. respondit: Nimirum hic est | ille Fabricius, qui non facilius diuelli potest  
 ab honestate quam sol a cursu suo. Remisitque uniuersum aurum suum  
 quo Romam emere proposuerat, cum eam uiribus capere non posset. Vnde  
 Lucanus

Lucan iii.  
 160.

*Quo te Fabric(i)us regi non uendidit auro.*<sup>65</sup>

Hec omnia et multa alia egregia facta Fabricii celata sunt in pretaxata  
 columpna.

§ 26. *De arcu triumphali Cipionis.*

Est etiam ibi arcus triumphalis Cipionis, qui ibi <sup>66</sup> perempto Hannibale  
 a Romanis est conditus. Hic cum durissimo hoste Romanorum Hannibale  
 equo certamine <sup>67</sup> dimicauit et h'. uinci primus specie Romanis tribuit.<sup>68</sup>  
 Habuitque Hannibal <sup>69</sup> domesticum] demonem qui illum <cum> Cipione  
 monuit pacem facere. Inde datis induciis ut sepelirentur interfecti,  
 sancito federe per triduum, Hannibal <sup>70</sup> colloquium singulare habuit  
 cum Cipione. Cum autem conuenissent die iiii<sup>to</sup>, duo mire magnitudinis  
 canes <sup>71</sup> ad locum colloquii Hannibalem <sup>72</sup> sunt secuti. Quod cum Cipio <sup>73</sup>  
 nouisset, ad colloquium uenire noluit. Deinde inito prelio graviter utrin-  
 que [et] coactus est Hannibal <sup>70</sup> de castris suis confugere. Sequenti autem  
 die grauissimo uictus certamine ad Lircum regem confugit. Cum quo  
 iterum uictus Hannibal <sup>70</sup> a Cipione <sup>74</sup>, cum se uideret non posse euadere,  
 hausto ueneno quod gestabat <sup>75</sup> in anulo, dormiendo obiit. Liberati |  
 201 a. itaque a grauissimo hoste Romani, quem usque hodie detestantur et  
 odiunt, uictori Cipioni <sup>73</sup> arcum hunc triumphalem maximo sumptu statue-  
 runt, in quo omnia supradicta et plura sculpta sunt.

§ 27. *De pyramidibus sepulcris potentum.*

Nunc autem de pyramidibus pauca subiciam. Sunt autem pyramides  
 sepulcra potentum, mire magnitudinis et altitudinis, in summitate acute  
 figuram h'ecnoïdis <sup>76</sup> referentes. Quarum prima quam uidi Romuli est.  
 Hanc autem ante castellum Crescentii <sup>77</sup> sitam prope ecclesiam beati  
 Petri peregrini mentiuntur fuisse aceruum segetis Petri apostoli, quam  
 cum Nero sibi rapuisset, in lapideum collem pristinae quantitatis fuisse  
 conuersam. Quod omnino friuolum est, quo peregrini multum habundant.  
 Habet autem piramis quelibet concam marmoream undique celatam inter  
 se clausam, in qua corpus defuncti sepelitur.

§ 28. *De piramide Augusti.*

Uidi etiam pyramidem Augusti prope portam Latinam ex quadris  
 lapidibus ferro <sup>78</sup> compactis constructam, unde adhuc nulla uetustas  
 lapidem unum diuellere potuit.

<sup>65</sup> auro] aurum.

<sup>66</sup> ibi] sibi *perhaps rightly*.

<sup>67</sup> certamino.

<sup>68</sup> et h'. uinci etc. sic.: h' is for Hannibal. *The sense seems to be that Hannibal first, among the enemies of Rome, seemed likely to conquer.*

<sup>69</sup> Hannibal] hec.

<sup>70</sup> Hannibal] h'.

<sup>71</sup> canis.

<sup>72</sup> Hannibalem] hec.

<sup>73</sup> Cipio] c'.

<sup>74</sup> a Cipione] accip'.

<sup>75</sup> gestabat] gestiebat.

<sup>76</sup> h'ecnoïdis or h'ecuoidis *cod.*

<sup>77</sup> Crescentii] crescentis.

<sup>78</sup> ferro] fō ferro.

§ 29. Sunt autem Rome pyramides multe, set omnium maior(i) admiratione digna est pyramis Iulii Caesaris, que ex uno solidoque lapide porf(ir)ico condita est. De qua ualde mirandum est quomodo secari aut erigi aut stare potuit tante altitudinis moles. Est enim ut asserunt altitudo eius cc. l. pedes. | Habetque in summitate speram eneam, in qua cineres et 201 b. ossa Iulii Caesaris condita sunt. De qua mirando quidam sic ait :

*Si lapis est unus, dic qua sit arte leuatus;*  
*Si lapides plures, dic ubi congeries.*

Stat autem eo loco, ut aiunt, quo quidam Iulio occurrit concionem adeunti, deferens ei litteras facte in se coniurationis dolum denudantes. Ubi inter cetera continebatur ipsum crudeliter obitum<sup>79</sup> si eo die contionem aut Capitolium intraret. Qui cum litteras suscepisset, latori sic ait : Nunc cum astronomico hoc sermonem habeo, post contionem litteras uestras uidebo. Vocauit itaque obuium sibi astronomicum, qui Cesarem moriturum in kalendis predixerat, et inquit ei : Hodie Kalende sunt et adhuc uiuo. Cui astronomicus inquit : Sunt quidem kalende, sed nondum transierunt, et utinam mendax reperiar. Et confestim Cesar inde diuertens Capitolium ingreditur. Ubi a Bruto et Cass(i)o et eorum fautoribus<sup>80</sup> .xx. iiii. stibiis confossus, in Capitolio obiit. Dicit tamen Marius Suetonius, cui magis credo, quod capulis gladiatorum fuerit interemptus, unde et uulnus in eo non apparuit. Quare in numero deorum eum raptum dicebant. Unde Maro in epitafio eius ita inquit :

*Candidus insuetum miratur lumen Olympi.*  
*Dafnis ego in siluis hinc usque ad sidera notus,*  
*Formosi custos pecoris, formosior ipse, etc.]<sup>81</sup>*

Vergil,  
*Ecl.* v.  
56, 43, 4.

Littere etiam prefate in se coniurationis inuente sunt in sinistra manu 202 a. eius. Cesar itaque dominator et dominus orbis terrarum, qui primum libertate depressa sibi usurpauit imperium, primo rogam<sup>82</sup> in paruum redactus cinerem predicta enea spera clauditur. Hanc autem pyramidem peregrini (acum)<sup>83</sup> beati Petri appellant. Sub quo magno labore reptant ubi super .iiii. eneos leones saxum fundatur. Mentiunturque mundum a peccatis et ueram perfecisse penitentiam qui sub saxo repere poterit.

### § 30. De furo Alexandrino.

Ingens etiam miraculum est farum Alexandrinum, quomodo super .iiii. caneros uitreos in mari<sup>84</sup> fundatum est, uidelicet quomodo tam magni cancri ex uitro fieri poterunt, et quomodo in mare portati et non fracti, et quomodo cement(iti)a fundamenta sub aquis caneris supposita durare possunt. Est etiam ualde mirandum, quomodo sub aqua durare potest cementum, et quare cancri non frangantur in mari, et quare non lubricat sub tanto pondere cementi fundamentum, quod magnum mirum est. Set dicit Ysidorus[a] puluerem quendam huius nature esse, quod aqua mixtum si soli aut igni apponitur, in pristinum puluerem redigitur. Si uero aqua<sup>85</sup> mergatur, solidatur et lapidescit. Set non est huius operis causas aperire mirabilium.

<sup>79</sup> obitum] obitū.

<sup>80</sup> fautoribus.

<sup>81</sup> Thus given : Dafnis e. i s. h. u. a. s. n. for. c. p. f. i.

<sup>82</sup> sic : qu. primus regum ?

<sup>83</sup> acum] supplied from Polychronicon.

<sup>84</sup> mare.

<sup>85</sup> aque.

§ 31. Colosseum<sup>86</sup> autem palacium Titi et Uespasiani transeo. Quis enim artificiosam compositionem eius et magnitudinem sermone exequi poterit? Iuxta hoc palacium est imago suis<sup>87</sup> quam Eneas fetam iuxta uaticinium Priamidis Eleni<sup>88</sup> legitur reperisse, signum scilicet ciuitatis eo loco edificande quam fata sibi dederant orbi toto inperaturam. De hoc signo Uirgilius sic ait:

*Aen.* iii.  
390, 2;  
cf. viii.  
43.

*Inuenta sub ilicibus sus  
Alba solo recubans, albi circum ubera nati.*

Est autem hoc signum ex Pario marmore candidissimo mira arte perfecto. Reptantque circum ubera eius nati numero .xxx.

§ 32. In porticu etiam ante hiemale palatium domini pape est imago enea illius lupe que dicitur Remum et Romulum aluisse. Set hoc quidem fabulosum est. Nam Lupa<sup>89</sup> quedam mulier eximie pulcritudinis antiquitus Rome fuit. Hec Remum et Romulum in Tiberi proiectos inuenit, et pro suis aluit. Que ideo Lupa dicta est, quoniam pulcritudine sua et illecebris suis homines in<sup>90</sup> amorem suum rapiebat. Hec autem lupa enea arieti eneo insidiatur<sup>91</sup>, qui ante palatium prefatum aquam abluendis manibus ore emittit<sup>92</sup>. Lupa etiam quondam singulis mammis aquam abluendis manibus emittebat, set nunc fractis pedibus a loco suo diuulsa est.

§ 33. Ante hanc enea tabula est, ubi pociora legis precepta scripta  
203 a. sunt. Que tabula prohibens | peccatum dicitur. In hac tabula plura legi, set pauca intellexi. Sunt enim afforism(i), ubi fere omnia uerba subaudiuntur.

[The remainder of f. 203 is cut away, leaving only a small slip at the top: the verso is blank, and probably the remainder of the recto was also blank.]

### *Note on the Name Magna Carta*

IN supplement to the note on the name Magna Carta which appeared in this Review in 1915,<sup>1</sup> I now reproduce two letters from the Close Roll of 9 Henry III, which are strongly confirmatory of the view I maintained that *magna carta* came into use to distinguish the parent document from its offspring, the charter of the forest. In the first of these letters, not only is the *carta libertatum* called *maior*, as in 1218; but the contrast is even more pointed through the use of *minor* in the next sentence to describe the forest charter. The second letter contains the earliest absolutely proved use yet noticed of *magna carta* for the *carta libertatum*,—*magna carta nostra de libertatibus*. For here the words are in the original roll, whereas it will be recalled that the letter containing the term and dated February 1218 was in the duplicate or copy of

<sup>86</sup> Doloseum.

<sup>87</sup> suis] sciis.

<sup>88</sup> Piramidis clene.

<sup>89</sup> lupam.      <sup>90</sup> in] et

<sup>91</sup> corr. from insideatur.

<sup>92</sup> emittit] remt.

<sup>1</sup> *Ante*, xxx. 472-5.

the roll for that year, though there is, to be sure, little doubt that this copy was made before 1225, the date of the present letters. The two letters, written less than a month apart and recorded on the dorse of the same membrane, were probably drawn up by the same man, and it is interesting to notice that the positive *magna* is used when the parent document is mentioned by itself, but the comparative form when the two charters are referred to in the same letter.<sup>2</sup>

ALBERT BEEBE WHITE.

## I

Rex Vicecomiti Kanc' salutem. Precipimus tibi quod per totam Bailliam tuam publice clamari et firmiter observari facias omnibus probis hominibus baillie tue omnes libertates quas eis concessimus contentas in maiori carta nostra de libertatibus. Clamari etiam publice facias et firmiter observari per totam Bailliam tuam omnes libertates contentas in minori carta nostra de libertatibus foreste secundum perambulacionem factam in Baillia tua per preceptum nostrum inter partes illas que foreste remanebunt et eas que deafforestabuntur et illud idem de perambulacionibus nondum factis ex quo facte fuerint clamari facias et observari, ita quod similiter publice clametur et omnibus communiter et districte precipiatur in fide qua nobis tenentur quod sicut libertates predictas eis libere concessimus et precepimus et volumus observari; ita universi et singuli omnia iura nostra et omnes libertates nostras illesas conservent per omnia tam in forestis quam aliis. Teste me ipso apud Westmonasterium, VIII. die Maii.

Eodem modo scribitur omnibus Vicecomitibus Anglie.

## II

Rex eidem<sup>3</sup> salutem. Cum omnibus de regno nostro sicut bene scitis concesserimus libertates quasdam scriptas in magna carta nostra de libertatibus, priori et monachis Dunholm' de iure deesse non possumus quin ipsi libertatibus in carta nostra predicta contentis utantur et gaudeant sicut et ceteri de regno nostro salvis vobis libertatibus vestris. Unde vobis mandamus quatinus predictos priorem et monachos quantum in vobis est plene et sine difficultate libertates suas habere permittatis secundum tenorem predictae carte nostre salvis vobis libertatibus vestris debitis et usitatis. Teste Rege apud Westmonasterium, xv. die Iunii per Iusticiarium.

<sup>2</sup> Both these letters, which have so long escaped due notice, were printed by Hardy for the Record Commissioners in *Rotuli Litterarum Clausarum*, ii. 73.

<sup>3</sup> The letter which precedes this begins, *Rex Dunholm' Episcopo et Cancellario suo salutem*. It admonishes the bishop not to hinder the admission to the church of Heckington of a certain clerk presented by the prior and convent of Durham and also bids the bishop restore to the said prior certain lands and possessions of which the latter has been unjustly dispossessed by the bishop's bailiffs. The letter ends with laying down the principle that, while the king desires to uphold all the rights of the bishop and his church, yet, as ruler of the whole kingdom, he is no less bound to see full justice done to the prior. In the letter here printed, written nine days later, it appears to have occurred to the justiciar that the great charter, reissued four months before, was an apt expression of the same principle.

*Treason by Words in the Fifteenth Century*

It has been generally held that treason by words was an invention of the reign of Henry VIII.<sup>1</sup> Two often-quoted cases occurred under Edward IV, those of Walter Walker and Thomas Burdett,<sup>2</sup> but they have been regarded as extraordinary, and later writers have pointed out that the second at least was not one of treason by words only.<sup>3</sup> Hale<sup>4</sup> refers without comment to two cases under Henry IV, and a later annotator of the Pleas of the Crown<sup>5</sup> adds a third in which words alone were held to constitute high treason, but these cases have been ignored or explained away. In 1628, in Pine's case, the judges had a number of precedents collected showing how words had been dealt with in the past,<sup>6</sup> and decided

that unless it were by some particular statute, no words will be treason;—for there is no treason at this day but by the statute 25 Edw. III, c. 2 . . . and the indictment must be framed upon one of the points in that statute : and the words spoken here can be but evidence to discover the corrupt heart of him that spake them; but of themselves they are not treason, neither can any indictment be framed upon them.

For the statute of 25 Edward III (1352) two great virtues have been claimed : it requires an overt act before the offence can amount to high treason,<sup>7</sup> and it does not include in the list of treasonable offences a conspiracy to levy war on the king.<sup>8</sup>—In 1397,<sup>9</sup> however, a statute touched both these points. It enacted that it should be treason to compass the death or deposition of the king, without mentioning the necessity for an overt act, thus seeming to allow words alone to constitute high treason :<sup>10</sup> and to compass the king's death or deposition by words would include conspiring to levy war against him, since this would be the readiest means of deposing him.<sup>11</sup> But this statute was repealed by the first parliament of Henry IV, and the statute of 1352 was declared to be the sole standard of treason.<sup>12</sup>

In the third year of Henry IV, however, there were at least five cases of treason which cannot be brought within its pro-

<sup>1</sup> Hale, *Pleas of the Crown* (1778), i. 111–12; Stephen, *Hist. of Criminal Law*, ii. 257; H. A. L. Fisher, *Political Hist. of England*, v. 346.

<sup>2</sup> Hale, *op. cit.*, 115; Maitland, *Constitutional Hist.*, 228, &c.

<sup>3</sup> Holdsworth, *Hist. of English Law*, iii. 255 n.

<sup>4</sup> *Ubi supra*.

<sup>5</sup> S. Emlyn, 1778.

<sup>6</sup> Croke's *Reports*, Charles I, pp. 117–25; *State Trials*, iii. 359–68.

<sup>7</sup> Coke, 3 *Inst.* 14; Hale, i. 111.

<sup>8</sup> Coke, p. 9; Hale, *loc. cit.*; Stephen, ii. 250.

<sup>9</sup> 21 Ric. II, c. 3.

<sup>10</sup> Stephen, ii. 253.

<sup>11</sup> Compare the judges' decision in Essex's case, 1600: *State Trials*, i. 1337; Foster, *Discourse of High Treason*, p. 195.

<sup>12</sup> 1 Hen. IV, c. 10.

visions,<sup>13</sup> four of them being connected with the affair of the 'false Richard'. In four of them<sup>14</sup> the offence consisted in the speaking of words; in the fifth,<sup>15</sup> in addition to speaking, a letter was produced which the prisoner had shown to some one, and was apparently assumed to have written. Briefly, the charges were that these men had said that King Richard was alive and would shortly return to regain his kingdom, and they had spread the report with intent to withdraw the people from their allegiance to Henry IV. On these grounds they were all condemned and executed as traitors. Whether their offences are regarded as treason by words, or as conspiracy to levy war on the king, they are not covered by the statute of 1352, the sole enacted standard of treason.

The precedents collected in 1628 begin in the twenty-first year of Henry VI, when a woman who had spoken opprobrious words of the king was tried for treason and suffered *peine forte et dure* because she would not plead. Some of the other cases cited are not treason by words only, some end in outlawry,<sup>16</sup> and in some no judgement is quoted, but as no judgement is quoted in those taken from Henry VIII's reign, in which we know that execution followed, it cannot be assumed that the earlier ones failed. A search of the rolls would probably show that the prisoners were condemned. The judgement is quoted, however, in Oliver Germaine's case, in the second year of Edward IV. He was executed with others for conspiring to destroy Edward IV and restore Henry VI; this may be regarded as compassing the king's death or conspiring to levy war on him, but in either case the offence appears to have been committed by words only. The inference is that the statute of 1352, which required an overt act before the offences which it specified could constitute treason, did not supersede the common law, and that by the common law words could constitute high treason and were punished as such. This seems to have been

<sup>13</sup> Coram Rege Rolls, 3 Hen. IV, Pasch. rot. 12 (second numeration); this is John Sperhauke's case, mentioned by Hale's annotator Emlyn, 1 *Pleas of the Crown*, 115 n., printed below, no. 1; 3 Hen. IV, Trin. rot. 3 (second numeration), Friar Henry Forster; *ibid.*, rot. 4, John Bernard appealed William Balsshalf; *ibid.*, back of rot. 4, case of Nicholas Louth, mentioned by Hale, 1 *Pleas of the Crown*, 115; *ibid.*, back of rot. 5, case of Walter Walton (no. 2 below), mentioned by Hale, *loc. cit.* The trial of the chief offenders is recorded *ibid.* rot. 11, the charge being that of conspiring and imagining to raise a new insurrection, to the intent to kill the king, his magnates, and all his faithful subjects.

<sup>14</sup> Sperhauke, Forster, Bernard *v.* Balsshalf, and Walton.

<sup>15</sup> Louth.

<sup>16</sup> This was probably the result of non-appearance. For outlawry upon an indictment of treason when the indicted person was beyond the reach of the law, see *Rot. Parl.* iv. 377 b, Owen Glendower; 11 Hen. VII, c. 59, *Statutes of the Realm*, ii. 624, John Slyngesby; 11 Hen. VII, c. 64, *Statutes*, ii. 632, Sir Gilbert Debenham and Sir Humphrey Savage.

the case in the thirteenth century.<sup>17</sup> The statute of 1352 was an attempt to cut down and define the vague common law of treason, and its definite requirement of an overt act seems to indicate that mere words had been treason by the common law. The theory that the government had only the powers definitely allowed to it by statute had not yet arisen, so the old common law could still on occasion be used when the Act of 1352 was insufficient, that Act being held to supplement it and define it on certain points, but not to supersede it.<sup>18</sup> At the end of the fifteenth and the beginning of the sixteenth centuries constitutional theories were changing and hardening. NB Much of the legislation of Henry VII and Henry VIII was directed to defining and placing on a statutory basis old common law practice, no longer strong enough to stand without that parliamentary sanction which the new theories of government required.<sup>19</sup> Hence treason by words was made the subject of a definite enactment in 1534. Edward VI's first parliament swept away Henry VIII's new treasons, but this very repealing Act re-enacted treason by words in certain cases, though only at the third offence.<sup>20</sup> Mary repealed Edward VI's treason legislation,<sup>21</sup> but she also soon found it necessary to replace treason by words upon the statute-book,<sup>22</sup> and it continued to be included in treason Acts under Elizabeth.<sup>23</sup> When these Acts expired or were repealed in the early seventeenth century, treason by words disappeared with them, and Coke<sup>24</sup> could hold it to be no part of English law.

ISOBEL D. THORNLEY.

## I

Coram Rege Roll, 3 Hen. IV, Pasch. rot. 12 (second numeration).

Anglia. Fait aremembre qe le Joesdy apres le xv du Pask. lan du Regne le Roy Henry puis le Conquest quart le tercié, devaunt le dit Roy a Westm. vient un John Sperhauke de Kardyfe en Gales par sire Henry de Percy Counte de Northumbr. et Conestable Dengleterre et Thomas Pykworth Chivaler Mareschall de commandement du Roy devaunt le Roy mesmes amesnez et la par auctorite et comandement du Roy le dit John Sperhauke devaunt Thomas Couele Coroner de son bank de record const les matiers suisdites en la forme qensyfuist. Le dit John Sperhauke dit qe le dysmengen en le fest de Palme Flory lan du Reigne

<sup>17</sup> Pollock and Maitland, *Hist. of English Law*, ii. 507.

<sup>18</sup> Cf. Amos, *Observations on the Statutes of the Reformation Parliament*; and *State Trials*, i. 889 and 892, mentioning a case of seal-treason under Henry IV which was not within the express words of the Act of 1352.

<sup>19</sup> This has been often pointed out by Professor Pollard in his lectures on English constitutional history.

<sup>20</sup> 1 Edw. VI, c. 12; cf. 5 & 6 Edw. VI, c. 11.

<sup>21</sup> 1 Mary, sess. 1, c. 1.

<sup>22</sup> 1 & 2 Phil. and Mar., cc. 9 and 10.

<sup>23</sup> 1 Eliz., cc. 1 and 5; 5 Eliz., c. 1; 13 Eliz., cc. 1 and 2; 14 Eliz., c. 1; 23 Eliz. c. 1.

<sup>24</sup> 3 *Inst.*, p. 14.

nostre dit tresredoute seigneur le Roy tercié, apres maungier en un ville que feust ore tarde a le count Mareschall iuxt Baldock par un ou deux leucz, il venoit al meyson illeosques dun Taillour aluy disconuz et illeosques la femme du dit Taillour disoit a luy John, veez coment il pluïue et quelle troublouse tempest est y cestes iours et tout temps du Roy qorest as este, qar par tout son temps nad este pur sept iours bone ne seisinable temps. Et disoit outre que le Roy qorest ne feust droiturelle Roy mais que le Counte de la Marche est Roy de droyt. Et que le Roy qorest ne feust pas fitz a tresnoble Prince John Duc de Lancastre, que dieu assoille, mes que il feust fitz a un Bocher de Gaunt. Et que Oweyn Gleyndour est loial Prince de Gales et de Cornewaille. Et que le Pape envoa un bille en Gales, Cornewaille, et en Engleterre que touz que voillent aider les ditez Count et Oweyn en leur droit suisdite que ils averoient plein indulgence et remissioun de toutez leur Pecchez. Et auxint ele disoit que nulle Coler du Roy de sa livere serroit use a fyn dun demi an. Et disoit outre que le Roy nad pas tenuz covenant a sez communes, qar il a son entre en Engleterre eux promist qils serroient quietez et dischargez de toutz maners des paiemens et Custumez si non pur cez guerrez doutre le mier. Mes en le mesne temps il ad coille molt de tresore de ses communes et rien en profit du Roialme ent ad fait si non tue sez seignours et plusours autres bones hommes. Et auxi que le Roy ne voilloit obeier as comandementz du Pape de Rome, que pur celle que toutz les malveysez tempestez ount avenuz par plusours iours passez. Et outre que ele disoit que ele oia toutz les matiers suisdites dun Frere ou dun heremite que feust ore tarde en prisone en Westm., ou que feust lun ou lautre, ne ou il demeert le dit John Sperhauk dit qil ne siet. Et sur ceo le dit John Sparhauke devaunt le dit Corouner conust que le lundy prochein apres le dit dismenge apres Maunger que il touz les matiers avaunt ditz a la ville de Mordon en le counte de Canteb. de sa propre Test science et volunte counta apertement a un John Taillour et a un povere mendinant et sa femme et a plusours autres de mesne la ville en affirmant et avowant les ditez paroles auxi pur veritables, al entent de exciter le poeple et troubler en ceo cas envers leur seignour liege suisdite. Et plusours des queux tresons le dit John conust qil disoit a dit Roy en sa propre person apertement come par la recorde du <sup>1</sup> nostre seignour le Roy contenuz en un bille qest affilez entre les enditesmentz de sest terme de Pask. plus pleinement appiert.<sup>2</sup> Super quo predictus Iohannes Sperhauke committitur Willelmo Fynbarwe Marescallo salvo custodiend. periculo quod incumbit. Super quo postmodum, videlicet die Iovis proximo post tres septimanas Pasche extunc proximo sequentis venit predictus Iohannes Sperhauke per eundem Marescallum ductus. Et viso recorde predicti Coronatoris in hac parte quesitum est a prefato Iohanne Sperhauke si quid pro se habeat vel dicere sciat quare ex cognitione sua predicta ut proditor domini Regis et regni sui Anglie morti adiudicari non debeat, qui dicit quod non. Per quod viso recorde predicti Coronatoris in hac parte habitaque super eisdem cum consilio domini Regis plenarie deliberatione videtur Curie et toti consilio domini Regis quod ex quo idem Iohannes ligueus homo domini Regis sit et ipse verba predicta in pulblico ex suo proprio capite, sciencia et voluntate narravit

<sup>1</sup> sic.<sup>2</sup> Ancient Indictments, bundle 189, no. 27.

tanta mala inhonesta de eodem Rege, loquendo, affirmando et quasi pro vero advocando ad intentionem et voluntatem excitandi ligeos ipsius Regis de eorum bono zelo et voluntate contra dominum suum ligeum naturaliter debitum que alta et maxima proditio sunt. Consideratum est quod idem Iohannes Sperhauke ut proditor domini Regis et regni sui Anglie tanta facinora dicendo et advocando quod ipse ut proditor suus trahatur a Turri London. per medium Civitatis predictæ usque Tybourne et ibidem suspendatur. Et postmodum decapitetur. Et quod caput sic abscisum ponatur super Neugate London. in conspectu omnium per ibidem transeuncium et illud intuencium exemplum. Et quod idem Iohannes Sperhauke forisfaciat omnia terras, bona et catalla sua, etc.

## II

Coram Rege Roll, 3 Hen. IV, Trin. rot. 5 (second numeration).

Anglia. Frater Walterus Walton de Leycestre pro diversis prodicionibus unde impetitus est in Turri London. nuper detentus et per consilium domini Regis coram ipso Rege apud Westm. per Thomam de Rempston Constabularium Turris predicti die Veneris proximo post Octabas sancte Trinitatis isto eodem termino venit ductus, qui committitur Marescallo. Et super hoc idem Frater Walterus coram Thoma Couele Coronatore domini Regis coram ipso Thoma per consilium domini Regis ad eundem Nicholaum<sup>3</sup> pro prodicionibus predictis examinandum misso, cognovit de recordo in hec verba. Frere Wauter Walton de Leycestre conust qil venoit a Westm. a Meistre Rauf Selby comoigne de Westm. le dymeynge prochein devaunt le fest de Pentecoste darrein passe et demaunda de luy en sa Studie et puis en sa Chambre quels novels; et ovesque celle mesme Frere Wauter disoit qil oia en diversez parties dengleterre et auxint dun homme de Gales que le dit nadgairs Roy fuist en plein vie; et le dit Meistre Rauf disoit qe par profecie le dit Roy Richard serroit en plein vie; et le dit Frere Wauter disoit aluy qe Meistre Roger Frysby Frere de Leycestre disoit a dicte Frere Wauter mesme le counte. Et le dit Meistre Rauf disoit a luy qe fuist un seigneur del monde, et nomma le seigneur fitzWauter, qe maunera<sup>4</sup> qe Mil liveres qe ceo fuist voir qil purroit oier bonez novels de luy. Et outre le dit Meistre Rauff disoit ales a monsieur Roger Claryngdon qest Frere du dit nadgairs Roy en Suthwerk, et il vous sciet countera tout plein la verite su celle partie, par quoy le dit Frere Wauter le Meskerdy adonques prochein susvant venoit al Meson du dit monsieur Roger en Suthwerk et demaunda de luy en un bashalle la quels novels. Et le dit monsieur Roger disoit pur certain adit Frere Wauter qe le dit nadgairs Roy fuist en plein vie et qil fuist ove Oweyn Gleyndour en Gales et qe le dit Oweyn ferroit le dit Frere Wauter parler ove le dit nadgairs Roy. Et tant tost le dit Wauter ala a Leycestre et la tout celle matier counta a dit Frere Roger Frysby et a un Frere Richard. Frysby son Frere et la par lour assent pur acomplyer lour maveis et traiterous volunte et purpos ils ordinerent un Frere Roberd Colman pur aler ove le dit Frere Wauter Walton en Gales al compler lour purpos suisdit a cause qe sembla a dit Frere Roger Frysby qe le

<sup>3</sup> sic.

<sup>4</sup> sic.

dit Frere Roberd Loudam<sup>5</sup> feust trop juns et de tendre age a aucun resistance faire. Et auxint le dit Frere Wauter conust qe il est faux a nostre seigneur le Roy. Et le dit Frere Wauter Walton conust outre qe le dit Frere Richard Frysby maunda pur le dit Frere Wauter en sa Chambre a Leycestre et pur un seigneur John qest un leche en Leycestre et pur le dit Frere Roger Frysby et la furent ensemble en graunt conseilie et la firent le dicte Frere Wauter adonques countier a eux toutes les materez suisditez et qant ils avoient oiez ils sei reioisoient de oier pur celle nouvelle. Et conust outre qe son purpos et volunte feust qil voilloit avoier eide le dicte Roy Richard de tut son poer encontre nostre seigneur le Roy qorest. Quam quidem cognicionem predictus Coronator hic in Curia recordatur et eam coram ipso Rege liberavit. Super quo predictus Walterus Frater venit per Marescallum ductus; et viso recordo Coronatoris predicti in hac parte, idem Frater Walterus instanter allocutus est si quid pro se habeat vel dicere sciat quare ex cognicione sua propria predicta ut proditor domini Regis et regni sui Anglie pro premissis morti adiudicari non debeat: qui dicit quod non, set se ponat inde in gratiam domini Regis. Per quod consideratum est quod idem Nicholas<sup>6</sup> ut proditor domini Regis et regni sui Anglie tanta falsa et verba inhonesta de domino suo ligo dicendo et advocando et que quidem verba per eundem Fratrem Waltherum ut evidenter apparet dicta fuerunt ad intensionem<sup>7</sup> et finem excitandi populum domini Regis contra dominum suum ligo de eorum bono zelo ei naturaliter debito et contra; et quod verisimile est finalis destructio regni Anglie in hac parte consequeretur: quod ipse distrahatur a Turri London. per medium Civitatis predictae usque Tyburne et ibidem suspendatur et decapitetur et quod corpus suum postmodum in quatuor partes dividatur, etc.

### *The Declaration of Sports for Lancashire (1617).*

JAMES I's declaration on the subject of sports permissible on Sundays, often loosely called the Book of Sports, has always been printed and quoted by historical writers in the form in which it was issued for the kingdom at large on 24 May 1618.<sup>1</sup> It was known of course from the preamble to that document that it was based on a similar declaration made for Lancashire only on the king's return from Scotland in the previous summer. But it seems invariably to have been assumed (1) that no copy of the Lancashire declaration had survived, and (2) that it did not differ from the reissue for general use in any important respect. Both these assumptions, it is now possible to state, were ill-founded.

A contemporary copy of the declaration in its first form exists

<sup>5</sup> sic.

<sup>6</sup> sic.

<sup>7</sup> sic.

<sup>1</sup> And even this seems only to exist in the reissue by Charles I in 1633, which was printed in that year and afterwards in Wilkins's *Concilia* (iv. 483 seqq.). I quote from the copy given in S. R. Gardiner's *Constitutional Documents of the Puritan Revolution*, pp. 31-5.

and has been in print for sixteen years. It has, however, escaped notice, doubtless owing to the fact that it appeared in a volume of the publications of a local society and that its real relation to the declaration of 1618 was not detected by the editor. In 1901 there was issued by the Record Society of Lancashire and Cheshire, under the title *Manchester Sessions*, the first part of a transcript of a manuscript note-book of justice business kept by three members of the Mosley family between 1616 and 1739.<sup>2</sup> In addition to a record of proceedings brought before them as justices of the peace, they entered into the book copies of legal and other documents which concerned them in that capacity, and to this practice we owe the preservation by the first Oswald Mosley of a transcript of the declaration of sports as originally issued in 1617.<sup>3</sup> It is dated Gerard's Bromley (in Staffordshire) 27 August, but its substance had been drawn up in Lancashire ten days before. This is clear from the account which John Barwick, dean of St. Paul's, had from Thomas Morton, then bishop of Chester, and which he inserted in his life of that prelate.<sup>4</sup> It may be well to quote part of this account, as Gardiner's summary of it has some obscurities and omissions and the book is rare :

It was no small policy [writes Barwick] in the leaders of the Popish party to keep the people from church by dancing and other recreations, even in the time of divine service, especially on holy days and the Lord's Day in the afternoon. By which means they kept the people in ignorance and lukewarmness, and so made them the more capable to be wrought upon by their emissaries : which gross abuse this bishop endeavoured to redress in his primary visitation.

But it was represented to king James as a very great grievance, at his return out of Scotland through Lancashire, anno 1617, by some in court who were too favourable to that party. And his readiness to hear any complaint against a thing that carried but the name of a public grievance, encouraged some to so much boldness the next Lord's Day after, as even to disturb the public worship and service of God, by their piping and dancing within the hearing of all those that were at church ; whereof the king being fully informed by this bishop, utterly disavowed any thoughts or intention of encouraging such profaneness : and therefore left them that were guilty of it to the bishop's censure : which he inflicted only upon one that was the head and causer of it, by way of public acknowledgement of the fault, and penance for it ; having formerly caused the piper to be laid by the heels.

There wanted not some still to complain to the king of the bishop's proceedings as rigorous and tyrannical ; considering that the chief thing

<sup>2</sup> It is now in the Reference Library, Manchester.

<sup>3</sup> *Manchester Sessions*, pp. xxiv seqq.

<sup>4</sup> *A summarie account of the Holy Life and Happy Death of the Right Reverend Father in God Thomas late Lord Bishop of Duresme*, 1660. It is printed at the end of a sermon by Barwick, entitled *Ἐπεὶ οὐκ*.

they desired was only 'some innocent recreation' for servants and other inferior people on the Lord's Day and other holy days, whose laborious callings deprived them of it at all other times: and thereupon to solicit his Majesty for some favour therein, and the rather because it was the general desire of most of that country. Which the king finding to be true upon inquiry, and willing to give them satisfaction therein, consulted with this reverend person, being the bishop of that diocese, how he might satisfy their desires without endangering this liberty to be turned into licentiousness.

The bishop hereupon retiring from the court at Houghton Tower,<sup>5</sup> to his own lodging at Preston, considered of six limitations or restrictions, by way of condition, to be imposed upon every man that should enjoy the benefit of that liberty; which he presented to the king in writing the next day; and which the king did very well approve of, and added a seventh;<sup>6</sup> saying only, he would 'alter them from the words of a bishop to the words of a king'.

It was not from this narrative, evidently, that Gardiner took his statement that it was a recent attempt of the magistrates to suppress the usual Sunday amusements which provoked the complaints made to the king,<sup>7</sup> for the bishop takes the whole responsibility on his own shoulders. There was such an attempt indeed, but the evidence which is given below was unknown to Gardiner, who must have found elsewhere that the prohibition referred to in the declaration had been issued by the justices of the peace. The bishop's silence on the action of the magistrates cannot be explained on the supposition that it was prompted by his own proceedings at his first visitation, which came later.

Gardiner somewhat misrepresents what happened after the king's first hasty decision. Instead of a general abuse of his permission there was clearly only a single act, probably near a church in the vicinity of the court. The king had entered Lancashire from Kendal on Monday, 11 August, and spent his first night there at Hornby Castle in Lunesdale, which Nichols, misled by an itinerary in the Cole MSS., absurdly confused with the Yorkshire castle of the same name. It was at Myerscough on the 13th, as we learn from Nicholas Assheton's diary, that James made his hasty speech 'about libertie to pipeing and honest recreation'. From Friday, 15 August, to Monday, 18 August, he was at Houghton Tower, and the incident which led to the declaration occurred on Sunday the 17th. Assheton mentions that the bishop preached before the king, but this was

<sup>5</sup> The residence of Sir Richard Houghton, near Preston.

<sup>6</sup> Barwick thought that this was the first of the limitations stated in the declaration, that which still left bear- and bull-baiting, interludes, and bowling unlawful amusements for Sundays. He adds that Bishop Andrewes was in attendance on the king, and may have been consulted.

<sup>7</sup> Gardiner, *Hist. of England, 1603-42*, iii. 248.

doubtless in the domestic chapel of the Tower, and Barwick's account is hardly consistent with this being the service that was disturbed by the irreverent piping and dancing. The neighbouring church of Walton-le-Dale is more likely to have been the scene of the interruption. The king's disavowal of such 'profaneness' did not prevent him from looking on in the afternoon at 'a rushbearing and pipeinge afore them' in the middle court of the Tower, and after supper a masque was performed in the garden, followed by speeches and 'dancing the Huckler, Tom Bedlo and the Cowp Justice'. Meanwhile the bishop had retired to Preston to draw up his 'limitations', which he submitted to James on Monday the 18th before he left for Lathom.<sup>8</sup> Nine days later the declaration had been formally drawn up and signed by Sir Thomas Lake, the secretary of state, at Gerard's Bromley. A copy was evidently sent to Oswald Mosley in compliance with its concluding injunction that 'both our Judges of our circuite and our Justices of the peace bee informed'.

Apart from a few verbal differences, this first form of the declaration of sports was reissued in identical terms for the whole country in 1618, except in the clause which enumerates the recreations to be allowed on Sundays and holy days after divine service. The variations here are of considerable interest. Piping, which heads the list of lawful recreations in 1617, disappears in 1618, but seems more than compensated for by the addition of sports not mentioned in the previous year: 'May-games, Whitsun-ales and Morris-dances; and the setting up of May-poles and other sports therewith used; so as the same to be had in due and convenient time, without impediment or neglect of divine service.'<sup>9</sup> The only other addition corrects an oversight in the original declaration where bowling was included with bear- and bull-baitings and interludes as sports which were still to be prohibited as unlawful games on Sundays, though permissible on week-days. The secretary of state had forgotten that a statute of Henry VIII's reign, passed to encourage archery, had made bowling an unlawful game for the common people at all times. This is indicated in 1618 by the awkward sentence in which I have italicized the words which were added: 'and *at all times in the meaner sort of people by law prohibited*, bowling.'

These additions are very briefly alluded to in the preamble of 1618:

Whereas upon our return the last year out of Scotland, we did publish our pleasure touching the recreations of our people in those parts under our hand; for some causes us thereunto moving, we have thought good

\* *Victoria County History, Lancashire*, vi. 36, viii. 195; Nichols, *Progresses of James I*, iii. 389, 397, 400; *Journal of Nich Assheton* (Chetham Society, old series,<sup>[14]</sup> 34, 40-46.

• Gardiner, *Documents*, pp. 33-4.

to command these our directions then given in Lancashire, with a few words thereunto added, and most applicable to these parts of our realms, to be published to all our subjects.<sup>10</sup>

The allusion is introduced with an awkwardness almost equal to that just noticed, for (as indicated by the punctuation adopted here) it was the 'directions' and not the additions in particular which were especially 'applicable' to Lancashire. Presumably, however, the revised list of sports lawful on Sundays and holidays cancelled for Lancashire that of 1617. The omission of 'piping' is not easy to understand, for though the quarter sessions rolls show that it had been prohibited on Sundays as far back as 1590, this was also the case with carrying rushes to church on Sundays, which was allowed both in 1617 and 1618.

To his copy of the declaration Oswald Mosley appends an order signed by Bishop Morton, upon whose advice, as we have seen, the declaration was founded. It is headed 'A further Comand from his majestie to be observed and published by the ministers and Curates in All Churches' and runs as follows: <sup>11</sup>

After that his majestie was pleased to express his religious meaninge of granting recreation unto his people upon Sondaies and holidiaes after tyme of eveninge service his highnes hath furthermore comanded mee to provide first that the principall ministers that be preacherr (*sic*) within anie Diocess Doe instruct the people concerninge the lawfulness of recreacion upon Sondaies accordinge to the Limitts and restraints set downe in his majesties Declaracion, secondlie to observe all such kind of people as are said to encline to a kind of Judaisme by neither eatinge meate themselves nor sufferinge others to dress it upon the Lords day, concerninge whom yee ought to informe mee that the[y] may bee reduced from that error, thirdlie that everie one of ye Doe reede the publike service in the Churche accordinge to the forme of lethargie set down in the booke of common praier, lastlie that in your sermones in the afternoone you exceed not the compass of an howre least that his majesties former favowrable Intendement and Indulgencie to his people may seem to bee Deluded thearby.

THO. CESTREN.

The position assigned to this order would seem to imply that it was issued immediately after the declaration of 1617, were it not addressed to ministers generally and not simply to those of Lancashire or the diocese of Chester. But the difficulty may be got over, if we suppose that the order was an anticipation of the general declaration of the next year.

The prohibition of Sunday sports in Lancashire which excited James's indignation and intervention is described by Gardiner as a recent interference with the time-honoured Sunday amusements of the people, an interference more injudicious in that

<sup>10</sup> *Ibid.*, p. 32.

<sup>11</sup> *Manchester Sessions*, p. xxvi.

county than elsewhere because so large a part of its population still clung to the church of Rome.<sup>12</sup> He attributes it to the Sabbatarian zeal of the Puritan preachers who were sent there by Elizabeth's government to stem the flood of recusancy. Both the recent nature of the prohibition and its attribution to the Puritan clergy have been disputed by Dr. W. A. Shaw :

All through Elizabeth's reign the civil power had attempted, both by legislation and by proclamation, to put down the more brutal forms of Sunday sports. When such action was taken in Lancashire in 1579, it was taken not by the Puritans but by the Chester Ecclesiastical Commission, the local mouthpiece of the central executive. Similarly the memorial of March 1589 on the enormities of the Sabbath did not emanate from the Puritan clergy but from the gentry of the county.<sup>13</sup>

As to the official repression of Sunday sports in Lancashire by the Elizabethan government there can be no question, nor was it limited to 'the more brutal forms'. In 1590, for instance, the Lancashire justices of the peace in quarter sessions were punishing men for piping and women for carrying rushes to church on Sundays.<sup>14</sup> It is also true that the disorders and immorality which attended these Sunday sports were what was most emphasized in the Elizabethan repression, though the emphasis might have been less if the question had not been so closely bound up with the militant attitude of the Romanist recusants. The similar complaints about holiday disorders show that it was not a mere question of Sabbatarian bigotry. But it is equally certain that the action of the lay authorities was not uninfluenced by Sabbatarian views emanating from the clergy. Opposition to the profanation of the Lord's Day by disorderly sports was not confined to extreme Puritans, nor did the use of the term Sabbath always imply acceptance of the identity of the Christian Sunday and the Jewish Sabbath. Thus, in 1585, in which year a bill for the better observance of Sunday was before parliament, a sermon preached at Cambridge by John Smith, a master of arts, in favour of 'keeping the Christian Sabbath according to the law and practice of the Jews' was considered to contain such novel doctrine that the preacher was cited before the university authorities. He contended that the Sabbath was broken when something was done which was not necessary or religious, but the vice-chancellor and heads of houses held that anything was allowable on that day which did not hamper religion or give offence to the brethren.<sup>15</sup> Five years later so moderate an Anglican as William Chadderton, the bishop of Chester, endorsed a state-

<sup>12</sup> *Hist. of England*, iii. 247.

<sup>13</sup> *Victoria County History, Lancashire*, ii. 61.

<sup>14</sup> *Lancashire Quarter Sessions Records* (Chetham Society, new series, no. 77), i. 11.

<sup>15</sup> *Strype, Annals*, v. 341-2.

ment that in Lancashire 'The Lord's day is generally profaned with unlawful trades and markets and with heathenish and popish pastimes'.<sup>16</sup>

On the other hand, in a note to a report of the religious attitude of some of the leading persons in the West Derby Hundred of Lancashire at the same date, there is perhaps a suggestion that the preachers to whom Gardiner refers may have been more thoroughgoing Sabbatarians than their bishop. It is there stated that the earl of Derby 'hath preaching in his house Sabothly by the best preachers in the countie and he giveth favourable countenance to all the professors of religion'.<sup>17</sup> Possibly we may detect their influence in the clause of the contemporary ale-house-keepers' recognizance which forbade them to entertain 'those who upheld disorders on the Sabbath day as of wakes, fairs, markets, bear-baits, bull-baits, greens, ales, May games, hunting, bowling, cock-fighting or such like'.<sup>18</sup>

To this extent, Gardiner's explanation of the repression of Sunday sports will hold good even of that earlier phase of which he seems to have been unaware, but quite apart from this he was justified in attributing the actual situation in Lancashire which provoked the royal declaration to recent action of the magistrates inspired by Puritan views of Sabbath observance. On 8 August 1616, at a meeting of justices of the peace at Lancaster, a series of orders were made and approved by the judge of assize to secure general attendance at church 'on the sabothe Day' and otherwise enforce its observance. The seventh of these orders provided:

That there bee no pipinge, Dancinge, bowlinge, beare or bull beatinge or any other profanacion upon any Saboth Day in any parte of the Day: or upon any festivall day in tyme of Devyne service; that the persons so offendinge bee bound to the good behaviour and to apeare at the next Assizes.<sup>19</sup>

Opposite this order in his copy Oswald Mosley has entered a year later 'pipinge, dancinge, valtinge, leapinge, shootinge, &c. lawful upon sondaies by the Kings Declaracion'. The order implies that there had been a relaxation of the rigour with which such Sunday sports had been repressed in the eighties and early nineties of the last century, and the inference is borne out by the quarter sessions rolls. From 1601 the presentments for such offences almost wholly cease. The worst of the danger from

<sup>16</sup> *Cal. of State Papers, Dom. 1581-90*, p. 712.

<sup>17</sup> Gibson, *Lydiat Hall*, p. 243.

<sup>18</sup> *Lancashire Quarter Sessions Records*, i. 51.

<sup>19</sup> *Manchester Sessions*, p. 17. These orders were issued two months before Bishop Morton's first arrival in his new diocese in October 1616 (Ormerod, *Hist. of Cheshire*, i. 154).

recusancy was over, and during the last years of Elizabeth and the first years of her successor the authorities seem to have been content to let sleeping dogs lie. But in view of the disorders and empty churches which were the inevitable result of this policy a reaction was bound to come in which the 'Puritans and precise people' referred to in the king's declaration would naturally take a foremost part. Hence the orders of 1616.

From this review of the facts it would appear that though Gardiner was mistaken in supposing that the Sunday sports of the people were now interfered with for the first time, and though there were other than merely Puritanical grounds for the action of the authorities which deserved more emphasis, his account of the immediate situation which led to the declaration of sports is not quite so open to criticism as has been represented.

JAMES TAIT.

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*Sir Hugh Cholmley's Narrative of the Siege of  
Scarborough, 1644-5*

SIR HUGH CHOLMLEY was one of the chief actors in the civil war in Yorkshire, and when Clarendon was writing his *History of the Rebellion* he applied to him for information about events in the northern parts of England.<sup>1</sup> Cholmley replied by drawing up three papers for the historian's use, which are now amongst the Clarendon MSS. in the Bodleian Library. They were written, apparently either during the latter part of 1647 or early in the year 1648. One of these papers, which is entitled 'Observations concerning the Hothams', was printed in the eighteenth century in the *Clarendon State Papers* (ii. 181). Another, entitled 'Memorials touching the Battle of Yorke', was printed in this Review, v. 345, in 'Two Accounts of the Battle of Marston Moor'. The third, which is no. 1669 in the Clarendon MSS., is entitled 'Memorials touching Scarborough', and has not been hitherto printed. It completes the series, and is interesting both as an example of the documentary authorities by which Clarendon endeavoured to supply the gaps in his personal knowledge of events, and as a contribution to local history. It also supplies an omission in the *Memoirs of Sir Hugh Cholmley*, which were privately printed by Nathaniel Cholmley in 1787, and have lately been reissued. In those memoirs Sir Hugh, after relating his acceptance of employment on the side of the parliament at the beginning of the civil war, continues :

How I deported myself in this employment, and when, how, and for what causes, I quit it and the Parliament, I shall forbear to speak now,

<sup>1</sup> See *ante*, xix. 36.

but refer the reader to the account I have given both of that and the siege of Scarborough together, in which it will appear I did not forsake the Parliament till they did fail in performing those particulars they made the ground of the war when I was first engaged (p. 67).

C. H. FIRTH.

MEMORIALLS TUCHING SCARBROUGH.

Being to give you some Memorials touching the affaires of Skarbrough, I shall beginn with remonstrating how the Governour, Sir Hugh Cholmeley, came first to be employed in the Parliament service, and upon what grounds hee quitt the same; nott onely for the vindication of the said Governour, my spetial friend, whoe may suffer in some men's oppinions for want of a right knowledge of that perticuler, but that some things in the relation thereof may prove pertinent to the generall story of these times, therefore you must know before there was a stroake strucke, whilst the Parliament made glorious and spetious pretences to take up armes meerely in there owne defence, for religio[us?] liberties, peace of the Kingdome, and protection of the King's person, when men hoped the preparation on both sides might produce some happie treatie and accomodation; Sir Hugh Cholmeley, then a member of the House of Commons, having a commission from the Earle of Essex, Lord Lieutenant (with the King's consent and approbation) of the County of Yorke, to be Collonell of a Regiment of foote of the trained bands of that County, and which had formerly beene under the command of the said Sir Hugh; That in the beginning of September 1642, the said Earle required the said Sir Hugh to repaire into Yorkeshire to raise the said regiment, and to draw the same to Skarbrough (whose forces were parte of that Regiment), and to remaine there only for securing the Towne; The said Sir Hugh beeing to take his journey for Yorkeshire (the Earle of Essex not then in London) the close committee<sup>2</sup> would have added to Sir Hughes Instructions, the taking into his custody the Castle of Skarbrough, to which Sir Hugh replied, that the Castle did not belong to the King, but to one Thompson a Burgher of the Towne,<sup>3</sup> and the Parliament beeing att that time nice to take any man's inheritance from him by force, the committee desired him (serving then in Parliament as a burgess of that town) to use his interest with Thompson to be content to put the same into his hand, for service of King and Parliament; To which Sir Hugh condescended, soe that without any commission but meerely that from the Earle of Essex to raise the Regiment, hee tooke his journey for Yorkeshire; beeing (as I have heard him solemnly protest) induced thereunto, not onely out of indulgencie to his country and desire to preserve the same, but out of a sence and apprehension, that persons ill affected to the peace of the Kingdome did intrude themselves into imployment; and that if there came a treaty hee thought himselfe a more indifferent person then many others whoe had taken armes, and with his sword in his hand,

<sup>2</sup> That is, the Committee of Safety appointed by the two Houses.

<sup>3</sup> In a letter from Cholmley to Pym, dated 3 November 1642, printed in the *Tenth Report of the Hist. MSS. Comm.*, pt. vi, p. 90, the owner's name is given as Francis Thomson.

should be in better capacity to promote peace, having noe other end then to preserve the libertie of the subject and to render the duties to his Majestic.

After Sir Hugh was come into Yorkeshire hee had in few dayes drawne to Scarbrough the greatest part of his Regiment, and had alsoe the keys of the Castle (but nott with Thompson's good will, for hee was verie much affected to the King's cause), and how be itt (as formerly said) Sir Hugh's commission was meereley for securing the towne, yett receaving noe monyes from the Parliament in 5 mounthes space, hee was for his subsistence and security forced into many actions hee never intended or foresaw att his first undertaking the business; and as itt pleased God hee sped very hayely in many of them, soe after his greatest successes, hee never omitted to sollicit his friends in the Parliament to imploy there indeavours for peace, and twise hee wrote to the Speaker of the House of Commons, signif[y]ing hee had embarqued himselfe in that imployment for preservation of the peace of the Kingdome, that hee now found the taking up of armes not to be the way to itt; and that hee saw nothing could produce peace but a good treaty with the King, and rendring him his just rights; and therefore desired that might be thought upon; otherwise hee apprehended the Kingdome in danger to be ruined, but this letter was suppressed, beeing not thought fitt to be published in the House,<sup>4</sup> and indeed itt did soe nettle those persons whoe had a designe to foment these troubles, as by there power they obtained order from the House of Commons and the Earle of Essex to require Sir Hugh to quitt Scarbrough as a place unusefull, but hee having soe farre engaged his friends and countrymen would not doe itt, rendring some reasons for itt to the close Committee, whoe partly in respect they knew nott how to remove him, and partly that he was often acting things acceptable to the Parliament, they seemed to connive without further pressing his removall, or giving libertie to stay.

After the Queene's comming into that country Sir Hugh was earnestly sollicitated by some of her friends and allyes (which were of the King's party) to quitt the Parliament, whoe thought itt might nott onely conduce to the quiett of that county, but have some influence towards the generall peace of the Kingdome; Whereupon Sir Hugh began to consider how ill the Parliament prosecuted those grounds and pretences they made when hee was first embarqued in there imployment, the King's faire and reasonable propositions and inclinations to treaty, the oathes of alleagiance and protestacion, both obliging protection to the King's person, and that nothing less intended, as appeared by there severall encounters att Edge Hill and other places, all which with many other considerations, as I have heard Sir Hugh say, did not onely convince his judgement but his conscience too, and inducd his resolution to quitt the Parliament and serve the King; But before hee gave assurance of itt, hee desired to speake to the Queene then att Yorke, which could not be without

<sup>4</sup> A letter from Cholmley to Speaker Lenthall, dated 16 January 1643, giving an account of his defeat of Colonel Slingsby at Gisbrough a few days earlier, concludes with an exhortation to parliament to come to terms with the king. It is printed in the *Report on the MSS. of the Duke of Portland*, i. 90.

difficultie, considering a great part of the Lord Newcastle's army was quartered betweene Scarbrough and Yorke, and therefore tooke this course to affect itt; having the Queene's promiss and the Marquis of Newcastle's pass for his safe access to Yorke, and returne to Scarbrough, taking onely a French servant, and a gentleman well knowne to the Lord Newcastle's army, hee goes out of Scarbrough carely in the morning,<sup>5</sup> and then putting a blacke patch upon one eye passed to Yorke without beeing discovered. Assoone as itt began to be darke hee was conducted by the Lord Jermyn to the Queene, to whome Sir Hugh said hee was come with great affection and desire to serve the King and her Majestie, but before hee fullie declaired his resolution, hee must make two modest requests to her; 1. that shee would be pleased to give him her royall assurance not to divert the King from performing those promisses hee had made to the Kingdome. 2ndly, that shee would endeavour the speedie settling the peace of the Kingdome; these without anie selfe ends beeing the onely request hee made, to which, after her Majestie had given him a verie satisfactory answeare, hee promised to quitt the Parliament, and to serve the King to the uttmost of his power, but before hee should declaire his resolution publickly, desires 3 weekes time for returning the Comission hee had from the Earle of Essex, and to bring his wife and children from London. It was conceived Sir Hugh might be prevented, or att least interrupted in this designe and intention, and therefore itt was propounded to him that att the time hee went to communicate his minde to the Garrison hee should draw some of the Lord of Newcastle's forces into Scarbrough, which Sir Hugh refused, answering hee did not meane to surprise any person under his command, or in the garrison, resolving to leave every man to his liberty, ether to stay or departe. That hee was confident in a faire way to put the Castle with the owner's consent into the King's power; which was all hee would promiss more then his owne person, though hee conceived most of his souldiors and commanders would follow his example. After one nights stay verie privaitely in Yorke, Sir Hugh returnes to Scarbrough, and within 2 or 3 dayes dispatches a servant for London to returne the Comission to the Earle of Essex, but Sir John Hotham, having had some intimation of Sir Hugh's beeing att Yorke, staves his servant, opens the letters, and writes to Sir Hugh to dissuade him from quitting the Parliament, and withall adviseth Mr. John Legard (Captaine of the Castle) that in caise Sir Hugh persissted in that resolution, to give itt all the impediment hee could. Upon this letter from Sir John Hotham Sir Hugh resolved the next day to communicate his intention to the Garrison, and indeed itt was not longer to be deferred, for Ledgard had not only divulged that the Lord Newcastle's army was to be brought into the Towne to cutt there throates, but the next morning with two Duch Leutennants comes into Sir Hugh's chamber, with resolution (as hee after expressed in a Letter to the Parliament<sup>6</sup>) to kill him; but itt pleased God Sir

<sup>5</sup> On 20 March 1643.

<sup>6</sup> See the pamphlet entitled *A true and exact Relation of all the proceedings of Sir Hugh Cholmley's Revolt* (Thomason Tracts, E. 95 (9)). It contains Legard's letter referred to, and also one from Sir John Hotham on the subject.

Hugh was ready to goe out of his chamber, and having his pistoll in his hand they durst attempt nothing; butt comming to the porte of the Castle Sir Hugh tooke occasion to tell the soldiors hee heard of some distempers in the Towne raised meerey upon misapprehensions, whereupon Ledgard beganne to speake high and insolent words, conceiving hee had the greatest interest in the soldiors, as beeing there Captaine, but hee was much misstaken for Sir Hugh caused him instantly to be committed, and then calling together the soldiors and officers of the Garrison, communicated to them his resolution to quitt the Parliament, giving them reasons for itt, but leaving every man to his owne libertie either to stay there or to departe; and every person that had either horse or armes of his owne to take and dispose them as hee pleased; after which time there was not twenty of the soldiors that left their Corronell, nor of the officers more then Ledgard and the two Duch Leutenants.

Ledgard after his committment grew very submissive, and earnestly importuned Sir Hugh for his departure to Hull, promising assoone as hee came there to procure Captaine Browne Bushell's enlardgement (whoe was a Captaine of Scarbrough Garrison, and beeing att Hull Sir John Hotham had stayd and committed him prisoner upon the intelligence Sir Hugh went to quitt the Parliament); to this Sir Hugh condiscendeth, and Ledgard with his wife and family pass to Hull together with all such of the Towne as desired to quitt itt; which were not above 4 families, and to carry with them what goods soe ever belonged to them; the foote were of the trained bands and there armes were there owne, and most of the horse raised by Sir Hugh and his friends, and armed att his owne chardge without ever having farthing allowance, soe that the Parliament could not pretend any interest in any of these.

The Garrison att this time consisted of 600 foote, a 100 horse and a 100 dragoons, all which (except the few before mentioned) were very willing to goe Sir Hugh's way, soe that the Garrison was imidiatly settled for the King without the least mutiny or disturbance.

And now having declaired the authoritie Sir Hugh had from the Parliament and his deportment in the quitting of itt, I refer itt to all impartiall judgements whether hee hath deservedly occasioned those scandalous votes, passed against him in the House of Commons, chardging him with perfidiousness and breach of faith, where as hee never had any authority from the Parliament touching the Castle, but on the contrary theire order to quitt it, and touching the Commission from the Earle of Essex he had donn as much as lay in his power to returne itt; which if hee had nott, though itt be a formality to be observed where a man serves a forraine Prince, yett surely amongst conscientious and judicious men itt will not be conceived a circumstance of that necessitie between a King and his subjects, whoe through error or misstakes beeing misled from there duty and alleigiance, may nott att any time returne to the same without any scandall or indecorum, and without asking permission from those persons, whoe would not onely denie but by all meanes in there power oppose the same.

With in few dayes after Sir Hugh had settled the Garrison hee went to doe his service to her Majestie att Yorke, and whilst hee was there Captaine Bushell returnes from Hull to Scarbrough, whoe though hee

was to be sett att libertie upon Ledgard's ingaignment, yett, as hee avers, Sir John Hotham would nott doe itt till hee had made him sweare to use his endeavours for the regaining Scarbrough to the Parliament, which as soone as hee came thether hee presently puts in execution, and having his brother Leiuetenant att aleven a clock in the night is lett into the Castle with 40 seamen, whoe seize upon the Captaine, and turne all the soldiors out att the gait, and then declaire for the Parliament.

The Bailiff of the Towne beeing a person favouring that party, and privie to the place, and the townes men over awed with the Castle they were likewise brought to conformity and compliance, Sir Hugh's principall officers were seized upon, and the common soldiors threw downe there armes, and most of them went to there owne homes beeing of the country adjoyninge. Upon notice of this business Sir Hugh makes all the haist hee could towards Scarbrough, taking some troopes of the Lord Newcastle's army, and that night quartered att a little village called Falsgrave a quarter of a mile from Scarbrough towne, and from thence writes to Bushell to meete him the next morning att the gait of Scarbrough towne, whither Sir Hugh (attended onely with three of his owne servants) was come before Bushell, soe that hee found the gaites shut and not to be opened, Bushell having the keyes in the Castle; there was onely townesmen upon the garde, and those expressed great joy to see Sir Hugh and to have him amongst them; assoone as Bushell came hee goes out to Sir Hugh, whoe puts him in minde of the relations betweene them, and the favours hee had donn him. Bushell of a rash but flexible and good nature, partlie out of the remembrance of the obligations received from Sir Hugh, partlie out of the apprehension of the difficulty to holde the place, having nothing but those few men in the Castle to confide in, with some contrition acknowledges his errour, presentlie opens the gait of the Towne to Sir Hugh, and gives him the keyes of the Castle, and all things were put immediatlie into the same condition and quiett they were in before this business hapned, the soldiors departed in few dayes returned to there cullors; soe that the regaining the Castle was as sudden as the surprisall, and may be thought more strainge, considering that certainly Bushell had resolutions att first to holde itt for the Parliament, having sent to Sir John Hotham to send (by sea) men and ammunition, which the next day after the rendor came in 2 *Pinaces* which appeared before the harbour; and though att first they were verie shy and cautelous, Sir Hugh soe handled the matter hee had gott the Captaines and soldiors all with in the Castle gaites before they knew that Bushell hadd renderd it. Soone after Major Rosse a Scotch man brought from Yorke to Scarbrough 200 musketts, 20 barrells of powder, and match proportianable, with a letter from the Lord Jermin, whoe writes to Sir Hugh Cholmeley that the Queene desires hee would accomodate the said Ross with a shipp to carry those armes and powder for Scotland, the one halfe beeing for the Earle of Antrim the other for the Lord Boyne;<sup>7</sup> heereupon Sir Hugh imidiatly writes to the Lord Jermin to intreat him to move the Queene that shee would be pleased to take itt into consideration, whether the sending those armes and ammunition into Scotland att

<sup>7</sup> i. e. Viscount Aboyne.

this time might not prouue verie prejudiciall to his Majestie's affaires, for these reasons. The Scotts had not then declaired to joyne with the Parliament (nor did not in above six mounthes after); they seemed now to stand att *gaise*, nott resolving which parte to take; that if they had anie inclination to joyne with the Kinge, they might take skarr att this, which might divert them; that if they intended to take parte with the Parliament this might give them better rise and ground then yett they had to raise an army; hee thought the Parliament of England would make greater use of this to the King's prejudice, then soe small a quantitie of armes and ammunitioun could advantage his affaires. In answeare to this the Lord Jermin wrote to Sir Hugh the Queene was diverted from sending those armes and ammunitioun into Scotland, and that hee might dispose them as hee would, soe that the armes were employed to the use of the Garrison and the powder for the army, and neither then or at any other time was there any armes or ammunitioun sent from Scarbrough into Scotland. The Parliament after prints the Lord Jermyn's letter sent by Major Ross to Sir Hugh, inferring some thing from thence to the prejudice of his Majestie's affaires and the Queene's person; now as well for the clearing that point, as that in the future this may not be brought amongst other reasons why the Scotts tooke up armes to joyne with the Parliament, I thought fitt to mention this perticuler.

It would be too tedious to recite all actions and things relating to the Governor and Garrison of Scarbrough. I shall therefore onely mention two perticulers which may be pertinent to the generall hisstory of the times, and soe come to the story of the sieged.

Att the beginning of the siegd of Hull there was a little leather bagg full of letters brought to Sir Hugh Cholmeley, which was cast up by the sea with in his owne land att Whitby, about 12 miles from Scarbrough; the letters were wett, and few of them ledgable, but one that was most, was a letter from Generall King to his agent att Hambrough, which was to require him to send with him with speede all his horses, and in caise hee could not gett saife passage to England, hee should send them to Scotland, where Generall *Leshley* would give them a saife conduct. And as itt seemed straigne there should be soe great a confidenee and correspondencie betweene King,<sup>8</sup> Leutenant Generall to one of his Majestie's greatest armyes, and *Leshley*, whoe was declaired Generall of the army which was to come against the King, soe in the bringing these letters to veiw there seemed to be a kinde of providence, for upon examination these beeing to be carried into Holland by one Captaine Cocke, hee beeing taken by a Parliament shipp close to Tinmouth Haven, casts this bagg with letters over boord which are carryed in the sea above a hundred miles before they are cast upon the land. Sir Hugh impartes these perticulers to the Marquiss of Newcastle, but hee had soe great assurance of Generall King's fidelity that hee interpreted the great acquaintence and friendship formerly betweene *Leshley* and King might give him confidence to write such letter; the discoverie of which produced nothing but King's displeasure against Sir Hugh.

<sup>8</sup> James King, afterwards Lord Eythen, lieutenant-general to the marquis of Newcastle.

The next perticular is this. Mr. Henry Darly, one of the Parliament's Commissioners employed for bringing in the Scotts, and still resident with them, laye att his father's house 4 miles shorte of Yorke att a place called Buttercram, and thought himselfe in great security in resspect the army which besieged Yorke were quartered round about him, and that there was noe ennemy nearer than Scarbrough, which had noe considerable forces; besides between him and that place close att his doore was an unfoordable river, over which was a draw bridge, which (through confidence of securitie) the Governor understood was often undrawne up in the night, heere upon the Governor drawes out fiftie of his best horse and choisest men putting them under the command of Major Crompton, communicating the designe onely to him, which was to march to Buttercram, and to endeavour the surprising of Darley, this was about 9 of the clocke in the night, and Crompton soe well performed the service, that hee had Darlie out of the enemies reach before they made anie par-suite, and brought him to Scarbrough the next day by 12 a clocke.<sup>9</sup>

But to come to the siedg of Scarbrough, the Marquiss was noe sooner shipped, but the Governor beganne seriouslie to consider his condition, which indeede was verie sad as the caise stood; for the Towne was nott att all fortified, and (if itt had beene) not tenable with less then foure times the number of men then in the Garrison, and though the Castle was strong by scituation, itt had not with in itt either habitation for soldiors or places for magazine, and as the provision for victualls were but small, soe for warr less, there beeing but 23 barrells of powder and 3 bundles of matche. And that the Governor may not be thought culpable for these defects, you must know hee had often desired they might be taken into consideration, but could never obtaine itt; beeing ever answered the place was of sufficient strenght against surprise, and the Marquesses army beeing maister of the field, there was noe apprehension of a siedege. But not with standing all these wants and inconveniences the Governor sett a good countenance of the business, and beganne to fortifie the Towne, having given advertisement to Prince Rupert of his condition, whoe put the Governor in some hopes hee might recruite suddenly in Westmorland and Cumberland, and would then come and raise the siedg att Yorke, which yett held out, how ever the Governor conceived during that hee should be in noe great danger, but with in 3 weekes Yorke was renderd; and the gentlemen and straingers then with in Scarbrough, partlie in that the Artickles of Yorke were so plausible, and partlie that they found the place soe ill provided, quitt itt, procuring passes either to goe to Prince Rupert or to live att there owne houses. The Generall's departure and the gentlemen's thus quitting the towne strucke soe great a terror into the common soldiors, as that they ranne away dayly, soe that the Garrison was reduced to 300 foote and 200 horse, and many of those wavering. Sir Thomas Fairefax was advanced with in 6 miles of Scarbrough with a thousand horse, and 3 thousand foote ordered to follow;

\* This capture took place on 3 June 1644. See J. L. Sanford, *Studies and Illustrations of the Great Rebellion*, 1858, p. 587. In this place, if Cholmley followed the chronological order of events, his account of the battle of Marston Moor should have been inserted.

heereupon the Governor summons together his principall officers, and some two or three gentlemen of qualitie that remained in the Towne and whoe hee knew verie firme to the King's cause, acquainting them with the enimie's designes and staite of the Garrison not able to indure a siede, and therefore propounds the offering of artickles to the Committy for both Kingdomes; and requiring from the Lord Fairefax a cessation from acts of hostelitie for twenty dayes, whilst those should be sent to London and considered of. That Mr. Darley then prisonner in the Castle should be moved to carry the articles, and have his libertie upon procuring the cessation. The motion was exceedinglie approved of every man, and Darley greedie of libertie was readie to undertake the business, but desires the treaty might be with the Lord Fairefax, which the Governor refuseth under pretence the articles of Yorke was not justlie observed, and that hee demanded something not in my Lord's power to grant, but in truth because a treaty with the Lord Fairefax would bring a shorte issue, which did not sorte with the Governor's ends beeing to gaine time, and to have all the armyes att Yorke dispersed; and therefore holds him to his journey to London, which rather then to continue hee accepts, and first hee procures a cessation for 20 dayes, with bounds of quarter for the Governor to six miles distance from Scarbrough, soe that neither the Governors forces were to goe out of those bounds nor the Lord Fairefaxes to come with in them, then hee departes from Scarbrough carrying with him the propositions, and when hee comes to Yorke gives such an assurance of reducing Scarbrough by treatie as the forces att Yorke disperse, the Lord Manchester'[s] army to the south, the Scotts to Newcastle, and the Lord Fairefaxes forces drawne to besiege Pontefract and Hemsley Castle, whither Sir Thomas Fairefax goes in person, leaving those horse in there quarters neere Scarbrough.

This treatie tooke such impression that itt was generally reported and beleaved Scarbrough would be renderd, though to anie ratioll and impartiall man, whoe seriouslie peruseth the propositions, there will little appeare to give an occasion of such construction; for it is evident not onlie certaine particulers are required which either the Parliament could nott or assuredlie would nott grant; but to prevent the Governor's being surpris'd by there compliance and concession, in the last artickle hee reserves 3 dayes time after the returne of the Committyes answear, to consider how farr hee would consent and accept, with out beeing concluded by ought had passed in the Propositions; and further to tesstefie the cleareness of the Governor's intentions, hee dispatched messengers to the King and Prince Rupert with coppies of the articles, shewing the streight hee was in, and necessitie to sett on foote this treatie, but with assurance of his fidelitie to his Majestie's service, and that this was meereley to gaine time and accomodations.

*The Propositions sent from Sir Hugh Cholmeley to the Committee for both kingdomes resident att London carryed thither by Mr. Henrie Darley.*

1. That the Burgesses and other inhabitants of the Towne of Scarbrough may enjoy all there priviledges which formerly they did before the beginning of these troubles, and have freedome of trade both by sea

and land, paying such duties and customes as other places doe under the command of the King and Parliament.

2. That [in] all chardges the Burgesses and inhabitants of Scarbrough shall beare onelie such part with the country att lardge as was formerlie used in all other assessments.

3. That the Garrison placed heere be att least 2 parts of 3, Yorkshire men.

4. That such officers and soldiors both of horse and foot, and all others whoe shall desire itt, may have libertie to march with there horses and armes, cullers flying, trumpetts sounding, drums beating, matches lighted att both ends, to the Prince's army, or the next Garrison which they shall make choice of, beeing allowed accomodation for there quarters, and not to march above 10 miles a day; and euerie soldier to have 12 chardges of powder and bullets and match proportionable.

5. That all persons whoe have any goods in the Towne or Castle may have libertie to dispose them in what plaice and in whose hands they please with in the Towne, or to carry them to what place they desire within the Kingdome or beyond the seas, and to have protections and passes for there securitie and better conduct of there said goods.

6. That all and everie person of what qualletie and degree soe ever, which is with in the Towne or Castle att the rendition there of, may have free power and libertie to remove himselfe and family, and to live att his owne house or else where as hee pleaseth, and to pass and travell quietlie about his occasions with out molestations, and to have protections and passes from the three Generalls then att Yorke for his and there better securitie;

7. That all officers, soldiors, Gentlemen, Townesmen and every other person which shall be in the Towne or Castle att the Rendition thereof, may have power and liberty to departe with there armes, and to dispose of there estaites reall and personall as they please, and shall not be chardged with other taxes and payments then is chardged upon the Countrie in generall, and paid in a proportionable way by those which are of the Parliament's side and party;

8. That all and everie person that hath interest in anie shipp now lying in the harbour or belonging to the towne, may have power and libertie to dispose of the said shipp and ordinance, tackling, and all things belonging to her, as they please to there best advantage.

9. That all clergie men which are now in the Towne and shall be att the Rendition thereof, and are dispossessed of there spirituall or temporall estaites and livings by reasons of these troubles, may be restored to them, and enjoy there estaites reall and personall and dispose the same as they please, and that they may live quiettie at there owne howses and have protections from the three Generalls for that purpose.

10. That noe man with in the towne or Castle att the Rendition thereof be enforced to take any oath other then such as is settled by Act of Parliament, nor be troubled or molested for refusing any oath not settled by Act of Parliament.

11. That neither the Governor nor anie under his command be questioned for anie matter or thing that hath beene donn or acted by them or anie of them either by sea or land;

12. That the votes passed against the Governor in the House of Commons be revoked, and that hee be put in the same capacetie hee was before they passed;

13. That the Governor may have libertie to pass to what Countrie hee please beyond the seas, and power to disspose his estaite reall and personall as hee pleases, and protections from the three Generalls for himselfe and servants for better security in this point;

14. That the Governor's wife may have libertie to live att his house att Whitbie without molestacion, and that the soldiors there may be removed and noe other put into the same;

15. That when the Towne and Castle shall be renderd Sir Henry Cholmeley, Brother to Sir Hugh, may be Governor of the place and have command in cheife;

16. That in caise these articles be agreed on Coll. John Bellasyse be released.

17. That the Governor may have assurance from the Comitty for both Kingdomes and the Lord Fairefax that these articles shall be punctually observed without any breach or violation, and that they will promiss to obtaine an order in the House of Commons for the confirmation of them with in one fortnight after the surrender of the Towne and Castle.

18. That betweene this and the 4th of September the Governor may receive answeare how farre the Comitty for both Kingdomes and the Lord Fairefax doe consent to these articles, after the receiving of which the Governor desires and reserves 2 dayes time to consider before hee returnes a conclusive answeare, and after hee shall declaire his assent to the articles which shall be condissended to the Comitty and the Lord Fairefax, hee promisseth in the woord of a Gentleman with in 5 dayes to render itt into the hands of such person as the Parliament or the Lord Fairefax shall appoint, and authorise for that purpose, the Towne and Castle of Scarbrough, with all victualls, armes, and amunition and ordinance but such as was formerly excepted in these articles.

19. And whilst these articles are in agetation theyre may be a cessation from all acts of hostelitie, and under this the Governor subscribes his name.

Mr. Darley after some dayes stay att Yorke takes his journey to London with these propositions, which hee pursues with more earnestness in hopes to be Governor, and makes soe much expedition as eight dayes before end of the Cessation hee returnes to the Lord Fairefax att Yorke with the Comittyes answeare to the articles, which is imidiatlie sent to the Governor of Scarbrough and his speedie resolution required.<sup>10</sup>

*The answeare of the Comitty of both Kingdomes to the propesitions made by Sir Hugh Cholmeley concerning the Rendition of the Towne and Castle of Scarbrough*

*August the 26th 1644.*

1. 2. 3. 4. First, second, third and fowerth approved of.

5. Fifth approved of, it beeing provided noe prohibited goods or commodities be sent beyond seas.

<sup>10</sup> See also *Cal. of State Papers, Dom. 1644*, pp. 450-2.

6. Approved of.

7. To the seaventh is answered, that all those which have beene in the Towne or Castle since the first of August 1644 shall be used in the same manner and be in the same condition as those that were in Yorke upon delivery thereof.

8. Approved of, provision beeing made that securitie be given they be not employed against the Parliament, and that such shippes and cannon as have beene taken from any persons for there adherence to the cause of both Kingdomes may be restored ;

9. Ninth disaproved, excepting Mr. Remmington to whome the proposition is granted.

10. Disaproved.

11. Elleventh approved of soe farr as concerneth Sir Hugh Cholmeley and his family, and for what concerneth the officers sufficient is granted in the precedent articles.

12. Twelth disaproved.

13. 14. Thirteenth and fowerteenth approved of.

15. As to the fifteenth the Committy thinks itt not reasonable Sir Hugh Cholmeley name his successor.

16. Sixteenth suspended.

17. As to the 17th it is answeared that the Committie undertakes to use there utmost endeavours for the performance of the articles according to the limitations expressed.

18. Approved of.

19. Left to the Lord Fairefax.

Signed in the name and by the  
warrant of the Committy of both Kingdomes

NORTHUMBERLAND

MAITLAND

Though many of these articles were not assented to, yet to speake ingeniously there was as much granted as could be expected, esspetially for the Governor's owne perticuler, besides a letter was written to him by the close Committy implying Mr. Darley had some private instructions for his further satisfaction, soe that if enough was not granted probably the Governor might have had more for incisisting upon.

*The letter to Sir Hugh Cholmeley*

Where as this woorthie gentleman Henry Darley Esquier hath brought unto us from you some propositions concerning the Rendition of the Towne and Castle of Scarbrough, which wee have perused and taken into consideration, wee have thought fitt to returne the same [to] Mr. Darley, unto whome wee desire you to give full credence in what hee shall impart unto you from us in answeare to the said propositions.

Signed in the name and by the  
warrant of both Kingdomes

NORTHUMBERLAND

MAITLAND

But the propositions not beeing fully granted the Governour had a faire oppertunitie to be cleare from the treatie, yet there was a necessitie to keepe itt on to the end of the Cessation, most of the corne designed to be brought into the Garrison beeing still in the field. Now for the Governour to holde on the treatie, with out beeing further ingaiged or not discovering some glimpse of his resolution to breake with them in the conclusion (which would have interrupted his provisions), was a verie nise point; yet soe mannaged as itt was kept on foote to the last day. The Governour having in that time gott into the Garrison 400 loads of corne and a good quantity of hay with other provisions, then writes to the Lord Fairefax and Mr. Darley, that since his propositions were not answered by the Committy according to his demand, nor the exposstulations since upon them produced ought more to his satisfaction, hee would noe longer continue the treaty. This did not a little vex the Lord Fairefax, but much more Darlie, soe that order was instantlie given to there horse to fall upon the Governour's, but hee had drawne them into the towne of Scarbrough the same day hee gave his finall answeare; however the enemies horse advanced neerer the Towne and quartered in all the villages and places convenient adjacent, having alsoe sent to them 500 foote to strengthen the quarters; the small quantity of match formerlie mentioned was now reduced to 40 yards, which was oppertunely supplied by Captaine Allan, whoe brought as much as served to the end of the siedge, having taken itt from a Parliament shipp which was carryinge itt to there Garrison att Linn. The enemies horse beeing quartered thus neere the Towne they impeaded all recourse to the Markett, soe that there began to be a great want of coales, salt, and corne, all which were soe seasonably and miraculously supplied, some times by shippes which brought in prises, sometimes by shippes forced into the harbour by tempest, as man must needes acknowledge the Devine power and providence operating in itt.

Whilst the enemy quartered thus neere, 13 of the Governour's owne troope breake out, and march above twentie miles into Cleaveland, where many of the Scottish army were quartered after the taking of Newcastle; they incounter with 15 Scotts, kill two, and returne to Scarbrough bringing each man a prisoner and there horses with them.

The Scarbrough horse were not above 2 hundred, but verie good men and perpetually in action, and grew soe formidable the ennemie durst not stand to looke them in the face, under treble the number; about the end of December, they had taken Collonel Foulthrop and most of his troope, and brought them into Scarbrough, which together with the prisoners taken att sea, (and of which 2 or 3 belonging to Hull) did soe incense the enemy, as that in the end of January, though there were frost and snow upon the ground, Sir John Meldrum, Lieutenant Generall under the Lord Fairefax, with 2000 foot and one thousand horse, takes his quarter att a small village called Falsgrave, not 2 flecte shotts from Scarbrough Towne, and possesseth himself of the Mill hill which commands both towne and harbour. The Governour understood well of what consequence the place was, and would not have left itt with out fortification, but that hee wanted men to mainetaine itt, and never

intended to holde the towne in caise any assault should be offered, for 2 thousand men were scarce sufficient to maintaine the towne, and there was not 700 in itt with the Townesmen, most of which verie wavering; yet of necessitie it was to be kept till some places for Magazines with in the Castle were finished, and the provisions in the towne carried thether, God having soe plentifully and miraculously furnished them, that there were more prises brought into the Harbour in one mounth past, then ever had beene in all the time Scarbrough was a Garrison.

The Towne was kept 3 weekes, but with soe much paines and dutie that for 10 dayes together not any soldior stirred from his poast, during which time the enemie durst never make anie attempt, but played scerrelie with there ordnance, which had dismounted those in a shipp placed to secure that side of the towne towards the sea; those with in the towne made 2 sallyes, both times beating the enemy out of there trenches, and returning with prisoners and armes. Meldrum finding them with in soe resolute to maintaine the towne, procures Collonel Steward to be sent to him with a thousand Scotts, and then writes to the Governor in an imperious style to yeild the towne; the Governor returnes answeare hee verie well understood the towne was not tenable, that hee would not have kept it soe long against an attempting enemie, that hee held it thus long meereley to gett his provisions into the Castle, which beeing now donne, hee was resolved to quitt itt in few dayes, and that if hee durst make anie attempt against the Castle, hee should be received by persons resolute to maintaine the plaice and the King's right, whoe hee doubted not but would give him such an entertainment, as should cause him to repent the enterprise. The Governor had then intelligence that the ennemie on Tuesday following ment to assault the towne, and therefore the night before drawes off all his cannon except those in the suncke shipp which could not be removed; and the next morning assoone as the enemie began to appeare, drawes all his men into the Castle without making the least shew of opposition; soe that the ennemie, finding the entrance into the towne soe easie, takes the hardiness to advance to the gait of the Castle, from which they are instantlie repulsed with the loss of many of there lives, and if the Church had not beene neare for there retreat, they had surely suffered much more.<sup>11</sup> At the entring into the Castle most of the Townes men quitt the Governor, except one of the Bailiffes and fower or five others which retyred thither with there families. The number of the forces that entered into the Castle were about five hunderd, of which threescore gentlemen and officers, 250 foot, and the rest troopers most of them having horses, of which there beeing noe use with in the Castle they all betooke themselves to musketts, and did the dutie of foot soldiors, which they performed verie gallantlie beeing as stoute resolute men as was in the worlde.

The first forthnight produced little action, for those with in the Castle hoped for reliefe, (which had beene long and often promised from Oxford); they endeavored in the interim to make themselves as strong as possible

<sup>11</sup> The capture of the town by Meldrum is related by John Vicars in *The Burning Bush not consumed*, 1646, p. 110. He also prints a letter of Cholmley's dated 24 February 1645, describing his situation after its loss.

might be, and to that end were employed in fortifying some places which were most requisite, soe the ennemie having the Church att the foot of the Castle begann to make other places of securitie against attempts from the Castle; and though the Castle could make shotts into the Church and the woorkes about itt, yett they laid soe lowe the execution was not much, nor the prejudice answerable to the expence of powder. In this time Meldrum writes divers letters to the Governor, some times in milde and plausible, then in menacing and boysterous tearmes, to invite him to render with the Governor, ever answeard in the negative, in language according to there severall styles;<sup>12</sup> but finding the Governor not moveable hee writes a letter to all the Gentlemen and officers, offering them plausible conditions, whoe returne answeere of there resolution to sticke to the Governor; then hee shoote arrowes into the Castle yeard with writings affixed to them where hee offers lardgely to all the common soldiors that would come to him, but that had as little operation, the most of those which were wavering beeing run away with in 3 or 4 dayes after the entring into the Castle, which were to the number of 40; soe that finding noe hopes to gaine the plaice, but by force, hee sends for divers ordinance, of which one was whole cannon which carried 64<sup>8</sup> bullett, and the most of the rest demy cannon. Beeing to plant these ordnance neere to the sea cliff for more advantage to batter, Meldrum there in person giving directions about them, his hatt blowes of his head, and hee catching to save that, the winde beeing verie great blowes his cloake over his face, and hee falls over the cliff amongst the rockes and stones att least steeple height; itt was a miracle his braines were not beaten out and all his bones broaken, but itt seemed the winde together with the cloake did in some sorte beare him up, and lessen the fall; yett hee is taken up for dead, lyes 3 dayes speachless, his head opened and the bruised blood taken out, though a man above threescore yeare old, recovered this soe perfectlie that with in six weekees hee is on foote againe, and begins to batter the Castle. Whilst Meldrum lay sicke the ennemie was verie quiett and kept close in there woorkes and the Church, and the Governor desirous to know the cause, commands Captaine Wickham to sallie out with 50 men, whoe falling upon the Scottish garde att the end of the Castle next to the harbour, made manie of them runne into the sea, whoe thinking thereby to esscaipe fire died by water; this was att noone day, and soe gallantlie performed as hee returned with above twentie prisoners, left a hunderd killed and wounded; by these prisoners the besieged had first notice of Meldrum's misfortune; whoe noe sooner recovered but falls to batter soe furiously that in 3 dayes the great Tower splitt in two, and that side which was battered falls to the ground, the other standing firme beeing supported by an arch of stone that went through the midst; there were neere 20 personns upon the topp of the tower when itt cleft, yett all gott into the standing parte, except 2 of Captaine Richard Ledgard's servants which were in the turrett where there maister lodged. And

<sup>12</sup> Two of these letters are amongst Lord Braye's manuscripts. One from Cholmley to Meldrum, dated 26 February 1645, is dignified and moderate in style; the other, Meldrum's answer, dated 27 February, is very violent and abusive. Both are printed in the *Tenth Report of the Hist. MSS. Comm.*, vi. 155-7.

heere upon I shall a little digress to relate a strainge passage ; Captaine Richard Ledgard was the first man that fell sicke after the entrance into the Castle, and his officers att that time having the maine garde att the gait house, becing to goe the round, apprehended all the walls hung with blacke, but thinking the light of the plaice might deceive them went into two other courts, where all the walls made the like shew; the men were soe discrete they would not speake of this to the soldiors, but the next morning told it to there Captaine, who would have perswaded them it was onely *deceptio visus*, though they would never be diverted from the realitie and truth of itt to there deaths, and they were persons of that courage as noe one that knew them could judge any misstake arose through feare and weakness of spirit, and to those which lived to see the seaquell, this seemed to be a fatall omen of mortalitie to the Garrison in generall, but more perticulerly to that company, for the Leutenant was shott with a muskett and dyed of the wound, the 2 serjeants killed with shott from the cannon, and though the Captaine recovered this sickness, yet after hee escaiped death verie narrowlie, having his hand on another gentleman's shoulder, when a bullett 64<sup>s</sup> weight passeth betweene there bodyes, killeth the other, and rebounding from the wall not 2 yeards behinde them falls on Ledgard's thigh, strucke him to the ground, of which hee recovers not in 12 weekes ; his owne 2 servants as you heard fell with the Tower, and of all the company, which were 50 at the enterring into the Castle, not above 3 left alive att the Render.

The fall of the Tower was a verie terrible spectacle, and more sudden then expected, att which the enemie gave a great shout, and the besieged nothing dismayed betooke them to there armes, expecting an assault, by omission of which the enemie lost a faire oppertunitie, the falling parte of the Tower having obstructed the passage to the gait house soe that the guard there for present could have noe releafe from there friends ; this fall of the Tower put the enemie into such heart and confidence, so that the next day, about six a clocke in the evening, Meldrum writes to the Governor that hee intended that night to be maister of the Castle and all the woorkes, that if the Governor would rendor, hee should have good conditions, but if hee would not, and that anie of his soldiors lost a drop of blood in the entrance, there should not a person with in the Castle have quarter.

It happened the Governor att the present was verie busie in the ordering some affaires of the Garrison, and soe returned the Drummer with this message, that the next morning hee would returne him his answeare in writing ; but Meldrum had made preparation for an assault, and his hott and haughtie spiritt could admitt noe delay, soe that about 9 a clocke that night the enemie beganne to assault the Gaitehouse, and having taken a woorke close with out the gait, endeavored to mount the walls, but soe sharpelie repulsed they were forced to retire leaving divers dead bodies in the woorke, and having of there partie slaine and wounded above two hundred in that encounter ; the stones of the false Tower were throwne freelie amongst them and did the greatest execution.

The fall of the Tower had dislodged the Governor, his Ladie, and most of the gentlemen and officers of qualitie ; whoe were forced to betake

themselves to poore cabbins reared against the walls and banckes in the Castle yeard, which though itt was a spacious place containing 12 acres of ground, yet it was much annoyed and disquieted from the shippes, which was continuallie playing with their ordnance into itt.

Meldrum finding there was noe taking the Castle till the passages were more open, beganne to batter verie furiously on all sides, but esspetiall att the Gaitehouse, where in a shorte time the walls were so levelled, the besieged were forced to quitt the place, into which Meldrum drawes a hundred men, whoe were twice beaten out att 2 severall sallies not by a third parte of the number, the first time commanded by Captaine Neueston, the second by Captaine Hugh Cholmeley, and with verie great execution; and though this place was of verie great importance beeing the cheife entrance into the Castle, yet itt laid unpossessed for 10 dayes together, those within the Castle not able to abide the enemies cannon played soe full upon itt, nor durst the enemy enter they had beene soe well knocked; but by the loss of the Gaitehouse the besieged were forced to retyre nearer to the Castle, which gave oppertunitie to the enemy to draw up two demy cannon to the ridge of a hill close to the Gaite house, which beeing planted commanded the passages and principall woorkes in the Castle; to prevent which the Governor commands Major Crompton to sallie out with 60 men, whoe beates the enemy out of three severall strong woorkes, fower score men in each woork, dismounts the two demi cannon and breakes all there carriages, which was as much as could be donn in that place and soe short a time, and was of soe great consequence as the cannon could not be made serviceable in ten dayes, in which time the besieged had fortified them selves, and raised up divers new woorkes. Crompton had soe mauled and frighted those upon the guard as the rest with in the towne were readie to runn away, probable if itt had beene a little darker they had donn soe, and as itt was the officers had much to doe to keepe the soldiars together; the place which Crompton was possessed of could not be kept, the enemies cannon plaid soe upon itt, and therefore having dismounted the cannon the Governor commands his retreat; but in this scuffle Meldrum received a shott in att the bellie and out of the backe; hee had often both in woords and letters protested hee would either take the Castle or lay his bones before itt, and though hee dyed with in six dayes of this wound, hee before had esscaiped verie great dangers, for beside that of his fall hee had beene shott through the codds and perfectlie recovered. This was the last action of consequence; notwithstanding the siede continued above 12 weekes after, for what by reason of sickness and want of poother the besieged had noe power, and those without, knowing that time must reduce the place, endeavored cheifelie to secure themselves, which they did in soe strong woorkes as itt was as difficult to take them as the Castle, in soe much the soldiars of the Castle would say to the enemy, 'doe you besiedg us, or wee you?' The want of poother was a cause those with in could make noe use of there cannon, which emboldened the enemy to make there approaches verie neare, and though they did not assault they played verie furiously with there cannon, which kept those with in full imployment to make up there daly breaches; and though the fortifying in Towne and Castle

had bene a great chardge, and the soldiors after there comming had not onelie 12 pence a weeke besides dyett, but sixpence for everie dayes labour, which together with a continuall supply to the officers even for necessarie accomodations, beeing for above twelve mounthes space, had consumed a good some of monies, yet was theire not one pennie imposed upon any person with in the Garryson for the supporte of this more then 20 weekes billett for the common soldiors whilst they were in the towne ; but the Governor boare the greatest parte of itt upon his owne chardge and purse, and att last when hee wanted money, and could not borrowe, having likewise solde the small quantitie of plaite hee had there to defray the publicke chardge, hee made a motion that everie one that had anie plaite in the garrison might contribute some part of it to the releife of the soldiors, but those whoe had more then double to what was in the Garrison besides, were not onelie unwilling to parte with any themselves, but underhand wrought upon others to be adverse to itt ; soe that rather then to breed the least disquiett by taking any man's goods against his will, the Governor made use of the plaite which belonged to some persons hee had particuler interest in, which was cutt in peeces, and passed currant according to there severall weights, some of them had the stampe of a broaken Castle with this inscription, ' Caroli fortuna resurgam ' ; by this meanes the officers and soldiors, which beganne to be verie clamourous, were for the present verie well settled, though this was not the last difficulty the Governor had to wrastle with before the conclusion, for to speake truth all the actions from the enemie did not soe much trouble him, as the pragmatteall practices of some persons with in his owne Garrison, whoe by there cunning and plauseable deortment had gained a good repute amongst the generalitie, making huge shew and pretences of zeale to the King's cause, though the Governor had cautions from some hee ought to beleve and give obedience to, not to trust those persons too farre in the businesses concerned the King ; besides, whilst they were in the Towne the Governor had severall informations, and reason to beleve they had bene practising with the enemie against his person, and to betray the towne ; and that hee plainelie perceived they tooke advantage of the straitte and necessities the Garrison was in, to infuse discontents into the soldiors upon all occasions, yet these particulers beeing more certaine then clearely to be proved, the committing or questioning of them would but breed distirbance or discontent in the Garrison, which was verie unseasonable, esspetiall there having a neere relation to some whoe had a command, and were really affected to the King's cause ; and soe to exselude them out of the Garrison were to give more knowledge and advantage to the enemie ; soe that for these 2 reasons the Governor att the quitting the Towne admitted them into the Castle, and att both places connived att manie particulers hee should not have donne had the enemie bene more remoate. After the battle of Naisbie the enemie sent a Drummer with the relation of itt, thincking thereby to move the Governor to a consideration of rendering, which had soe little influence as that when they solemnised the victory with bone fires, dischardging of cannon, and drawing there foot close under the Castle walls to give vollies of small shott, and making huge acclamations of joy, those

besiedged sounded there trumpetts, beat up there drums, shott of there musketts, and made such cryes and hollowing as they caused the enemie to decist from there jolletie; and for 8 weekes after this the besiedged held out in hopes of reliefe, or att least to understand how affaires went with the King, for since there entring into the Castle, they had noe intelligence but what came from the enemie, soe strictlie were they guarded both by land and sea, where the shippes did nott onelic barr all excess, but (in respect those with in wanted powder) drew soe neere the shoare they impeded there fetching of water from under the cliffes, by which they had beene supplied though with much paines, difficulty, and perrill for divers mounths past.

At length the miserics of the Castle began exceedinglie to multiply; halfe of the soldiers were either slaine or dead of the scurvy, of which disease neare the other halfe laid soe miserable handled they were scarce able to stirr hand or foot; there was but 25 of the common soldiors able to doe dutie, and the gentlemen and officers which were glad to undertake it in there roome, were almost tierd out of there skinns; there dyed tenn in a night, and manie layed two dayes unburied for want of helpe to carrie them to the grave; there was corne sufficient, but not hands to make the mills goe, in soe much that most in the Garrison had not eaten a bitt of bread for divers dayes before the render, and the Governor had often in person turned the mills to get himselfe bread. There was a well in the Castle but the water it afforded us nott considerable, and the shippes had now debarred access to that under the cliff, soe that manie horses had beene with out water for seaven dayes together, which occasioned contagion amongst them alsoe. There had not beene above 2 barrells of poother for 2 mounthes before, and itt was now reduced to less then halfe a barrell, soe that in a manner there was neither bread, water, nor poother, medecine for the sicke or wounded, and in lieu of guards there were not persons with in the walls able to stand sentynells, and in a weeke longer probable there would scarce have beene one able to looke over the walls. In this sad condition the Governor was intreated by divers gentlemen to take into consideration the weake csstaite of the Garrison, where upon hee summons to a meeting all the Gentlemen and officers in the Garrison which were able to make appearance, where it is unanimsly resolved requisitè to enter into a treatie touching the render of the Castle, for which the enemie having made some overtures a few dayes before, the Governor tooke hint there att to shew his inclination to treat; there was three Commissioners agreed on for either partie, whoe concluded upon these ensuing articles, which probable might have beene more for the advantage of the besiedged, had not one of there Commissioners (as the enemie confessed after the rendring of the Castle) disclosed the weake csstaite of the besiedged.

[Cholmley here inserts the articles of surrender agreed upon by him with Sir Matthew Boynton and other parliamentary officers. They are dated 22 July 1645, and by them the castle was to be given up on 25 July. As the articles are printed in full in Rushworth's *Historical Collections*, v. 118, it is unnecessary to reprint them again.]

Though there were manie hundreds of cannon shott from land and the shippes, there was not above five men killed with cannon bullett, but

the stones which the cannon beat of from the walls killed verie manie. There was one soldior had his hatt shott of from his head with a bullet of fower and thirtie pound weight, and the haire and skinne onelie taken of, and noe other harme, but that hee was a little dissie that night, and the next day upon dutie; not withstanding this esscaipe hee was after killed, beeing shoote in the head with a muskett bullett.

At the rendor of the Castle there was a hundred and fowerscore sicke personns, of which most of them not able to move, but were carryed out in blancketts, and many of them dyed before they gott into the Towne; now as the scurvie which grew to be as contagious as the plague reigned amongst the besiedged, soe those with out were nott free from mortalitie in another kinde, for besides the manie common soldiars that lost there lives in this siedege, Meldrum and nine other officers (the meanest beeing a Captaine) were slaine heere, and one Captaine Zacherie that commanded in cheife in the shipp.

Those which had abilitie to march out of the Castle with out helpe, though manie of them infirme in health, were about threescore, most Gentlemen and officers, most of them had horses, but the entrance into the Castle was soe barracadoed as they were forced to make a passage through the maine wall into the ditch, where the besiedged passed out, the Governor bringing up the reare.

The articles were verie justlie observed, and they marched that night to there quarters, fower miles from Scarbrough, the Governor intending then to goe to immediatlle to his Majestie, but comming to Selbie 10 myles beyond Yorke, hearing that the King was then in the remoatest part of Wales, the Scottish army interposed, and finding himself in verie ill health, and unfitt either to take soe long a march or to betake himself to another Garrison, hee committed those personns which desired to continue in service to be conducted by Collonel Crossland to Newarke, which was then with in a dayes march, and himselfe with Major Crompton went for France.

## *Reviews of Books*

*Essai sur les Origines de Rome.* PAR ANDRÉ PIGANOL. (*Bibliothèque des Écoles Françaises d'Athènes et de Rome*, fasc. 110.) (Paris : Boccard, 1917.)

M. PIGANOL has not been deterred by the fate of earlier speculations from venturing yet another hypothesis with regard to the origins of Rome. It is no new opinion that the distinction of *patres* and *plebs* was in its beginnings racial; but so long as Mommsen's reconstruction of early Roman history held the field, such theories found little favour. Even before the close of the nineteenth century, however, the progress of pre-historic archaeology, and the fatally easy argument from difference of material culture and custom to difference of race, had begun to invite an ethnographical synthesis of the rapidly accumulating evidence. In this country Professors Ridgeway and Conway, working on different lines, arrived at the conception of the Romans as a mixed people; and both they and the other scholars who applied the same theory to the reconstruction of the beginnings of Rome looked upon the *plebs* as an autochthonous population and the *patres* as a conquering aristocracy. It was further believed by most of those who ventured an opinion on these matters that the patricians were in part, if not wholly, of Sabine race. M. Piganiol's thesis, which it is to his credit to have worked out by a systematic survey of all the fields in which evidence may be sought—archaeology, religion, law, language, material civilization, political institutions—differs from those of his predecessors in regarding patrician and plebeian as representing two conquering aristocracies, both alike distinct from the indigenous population (*Casci*) of Latium; and he is equally singular in maintaining that the Sabines furnished the plebeian element. According to his view, they belonged to the Mediterranean race and to that branch which M. Piganiol does not hesitate to call 'Pelasgian'. They came from the east and set foot in Italy on the Adriatic shore, bringing with them the matriarchal system, a developed system of agriculture (with the germs of the later Roman law), and the worship of the divinities of earth, closely connected with the practice of inhumation. From the north came the Indo-European nomads, a race of herdsmen, patriarchal in their customs, and worshippers of the sky-gods; and the fusion of the two streams produced the Rome which we know.

The evidence adduced by M. Piganiol in favour of his thesis is multifarious and intended to be cumulative, and it is out of the question to examine it here in detail. Some examples, however, may be given of his treatment of facts which appear adverse to the theory. It cannot be

denied that the Claudii were among the chief patrician houses of Rome, and they were (or at any rate claimed to be) of Sabine descent. M. Piganiol is therefore constrained to describe them as 'a family of renegades', who practised the religion of the *patres* with the well-known fervour of the convert (p. 268). The Albans of the Palatine 'ought to have preferred' the worship of the sun to that of the moon, which the Sabines of the Capitol would naturally practise, as it was common to the earliest Mediterranean peoples. Unfortunately 'it must be admitted that there is scarcely any trace at Rome of the solar cult'; worse still, as M. Piganiol admits in a foot-note, the solar divinity of the Quirinal was said by Varro to be of Sabine origin, and the Aurelii, a Sabine family, were devoted to sun-worship. 'But is this a Pelasgian "chthonic" Sun? or a heavenly Sun borrowed by the Sabines from the Northerners?' (p. 105). The science of augury is of northern origin, and belongs to the patricians; yet the Sabines were noted for their augural learning, which 'raises difficulties'—hardly to be disposed of by saying that 'it is not surprising that the Sabines should have ended by adopting augural science, just as they adopted the sky-god of the Umbrians and the Latin tongue' (p. 108). The equation *vicus-ὄϊκος* tells its own tale; yet the institution denoted by the Latin word is Sabine. The Indo-Europeans must therefore have applied the term to an institution which they found in conquered regions (p. 226). The practice of shaving is 'Minoan', but went out of use after the 'Achaean' migrations. The Sabines should therefore have been beardless, the Umbrians bearded. 'It is a curious fact that archaeology precisely contradicts these inferences. . . . But were all the objects described as prehistoric razors really used for shaving?' (p. 199). Two conflicting tendencies may be traced in Roman law: on the one hand, we have the less formal customs of the patriarchal herdsmen, whose wealth was in cattle (*pecunia*); on the other, the formal law of the matriarchal, settled community of the Sabine plebeians, based on agriculture and private property and issuing in the *ius Quiritium*. But *confarreatio* belongs to this order of the ideas, yet it is pre-eminently a patrician custom. Consequently, 'les patriciens auront adopté ce sacrement' (p. 166). These examples of M. Piganiol's method have been chosen as typical, and it will readily be seen that by proceeding on such lines anything can be proved—or rather, nothing can be *disproved*, not even M. Piganiol's thesis. But it can be, to say the least, rendered highly improbable; and M. Piganiol (to his credit be it said) has not concealed from the reader the evidence which points in this direction. H. STUART JONES.

*History of Serbia.* By HAROLD W. V. TEMPERLEY. (London: Bell, 1917.)

CAPTAIN TEMPERLEY has written an excellent sketch of Serbian history down to the first Balkan war of 1912, based upon much study of the sources, notably those in the Public Record Office, and extensive travel in the Balkan Peninsula. We use the term 'sketch' advisedly, because the author, perhaps wisely in view of the space at his disposal, has not entered into details, and deals very briefly indeed with the latter years of medieval Danubian Serbia, for which much might have been gleaned

from Kritóoulos, the Imbrian biographer of Mohammed II, whom he omits from his excellent bibliography. Like all students of Serbian history, he suffers from the fact that Professor Jireček has been prevented from continuing his monumental *Geschichte der Serben* beyond 1371. But we can strongly recommend his book to all who desire to obtain a grasp of the salient facts in the evolution of the Serbian people. He abounds in admirable appreciations of Serbian national problems. Thus, his observations on medieval Serbia as a maritime state (pp. 58-9) are most interesting. 'The growth of naval power', he writes, 'would have involved less difficulty than the expansion of Serbia in Macedonia and towards the East,' which was Dushan's policy. It would probably have brought the Serbs into 'conflict with Ragusa and Venice', but that might not have been so formidable an issue 'when Serbia commanded an impregnable base at Cattaro and dominated the Albanian coast'. He does not think that a Serbian occupation of Constantinople, which was Dushan's aim, would have had permanent results under his successors, and he justly shows that that great emperor's policy was 'imperial rather than national', thus containing within it the germs of dissolution. His remarks on medieval Serbian society and culture are valuable, and his contrast between the patriotic peasant of Serbia, who rarely became a Moslem, and the unpatriotic Bosnian noble, who embraced Islam to save his lands, goes to the root of things. There is much truth in his epigram that 'the Serbians of Serbia were saved from despair by the Serbians of Montenegro and from ignorance by the Serbs of South Hungary' (p. 122), and he brings out the great importance of the Austro-Turkish campaign of 1738-9 in threatening 'the permanent independence of Serbia'.

Coming to modern times, he sees in Napoleon's creation of 'the Illyrian Provinces' in 1809 'the first realization of Southern Slav Unity'; and points out the skill of Prince Michael Obrenovich III in educating British public opinion on the Serbian question. With regard to Montenegro, whose history occupies a chapter, he regards bureaucracy as her chief difficulty during the period following the grant of a free constitution in 1905, before which (as a diplomatist once remarked to the present writer) 'Prince Nicholas carried the archives in his capacious breeches' pocket'. The return of American emigrants with non-Homeric ideas has likewise been a powerful factor on the Black Mountain.

A few errors of detail may be pointed out. At the time mentioned (pp. 49, 51) there were no 'Latin princes of Epirus and Thessaly'; their contemporary rulers, Michael II and his sons, Nikephoros I and John I, were Greeks. The author omits (p. 74) the Catalan duchy of Athens from his list of non-Serbian lands in 1348. Antivari (p. 27) is an archbishopric; Ragusa ceased to exist (p. 16) when it was suppressed by Napoleon in 1808; the event mentioned on p. 296 occurred not at Spalato, but at Ragusa, and the French first obtained Dalmatia not in 1809, but by the treaty of Pressburg in 1805 (p. 192). Danilo was murdered in 1860 (p. 156), and the plural of *momke* is *montze*. The book contains three maps and an unpublished report by 'the model traveller', Leake, on Macedonia in 1807, which is still of interest.

WILLIAM MILLER.

*Étude Critique sur Dudon de Saint-Quentin et son Histoire des premiers Ducs Normands.* Par HENRI PRENTOUT. (Paris: Picard, 1916.)

PROFESSOR PRENTOUT of Caen, who is best known in England by his little monograph on Edward III's siege of Caen in 1346, has accomplished a far more difficult task in this very thorough study of Dudo's *De Moribus et Actis primorum Normanniae Ducum*. Though historians of Normandy from William of Jumièges downwards have found it almost the only available source for Norman history in the tenth century and the canon of St. Quentin composed his work little more than a century after the cession of Normandy to Rollo, its defects as an historical authority are so obvious that the Benedictines refused to include it in the *Recueil des Historiens de la France*. Subsequent judgements have not always been so sweeping, but the attempt of Dudo's latest editor, M. Lair, in 1865 to rehabilitate his reputation has not been regarded as successful by competent scholars. It remained, however, the only general study of Dudo's life and work, and there was therefore good reason for the more impartial and scientific examination to which M. Prentout has subjected them.

The vital facts upon which he lays emphasis are that Dudo was not a Norman, that he was a man of learning and a rhetorician rather than an historian, and that the character of his work was largely determined by the fact that it was undertaken at the instance of his patrons, Dukes Richard I and Richard II. His final judgement, which agrees with that of Mr. Haskins, may best be summed up in his own words :

Chargée de légendes et de fictions poétiques, pleine des développements verbeux d'un rhéteur du temps, œuvre composée par biographies, apologie sans mesure, l'histoire de Dudon n'est, en outre, qu'un écrit politique rédigé à une certaine date pour une certaine cause, bien payé et portant en soi sa marque pour qui veut l'y découvrir, plein d'erreurs du fait d'un écrivain non normand d'origine et qui juge le passé de la Normandie à la lumière du présent.

Néanmoins et à cause même de ces erreurs, cette œuvre vaut la peine d'être étudiée avec soin, elle vaut que l'on en cherche toutes les sources, que l'on y fasse le départ exact entre l'invention, la légende et le résidu historique.

Even William of Jumièges, who wrote his history of the Normans about half a century later, though he was forced to found the early portion of his narrative on Dudo, diverges from him more often than has been detected by Körting and others, as for example in regard to the Danish or Norwegian origin of the early Norman leaders. The 'historical residue' in the *De Moribus* is shown by patient and laborious comparison to be drawn very largely from the contemporary Frank annals of Flodoard and various monasteries. Very characteristic of Dudo's method are the extraordinary liberties he allows himself to take with this material, especially in regard to the chronological order of events. A good instance of his perversion of dates is the way in which he pushes back the arrival of the marauding Hasting in Neustria. His use of Norman tradition is limited and coloured by his dependence upon his ducal patrons, but does at least preserve valuable reflexions of the early social system of the Scandinavian settlers along the Channel. Here and there a definite statement of fact not apparently drawn from the annals has a certain probability, despite the suspicion under which every unsupported assertion of the rhetorical

canon naturally lies. M. Prentout, in maintaining the credibility of the homage alleged by Dudo to have been done by Rollo to Charles the Simple for Normandy, ventures to break a lance with no less an authority than M. Flach—who denies the existence of feudal homage in the tenth century—and, as far as we can judge, with some success.

On another much controverted question, that of the Danish or Norwegian origin of the Normans and their leaders, M. Prentout finds himself unable to accept Dudo's statement that Hasting and Rollo were Danes. This he holds to have been the current view in court circles at Rouen in Dudo's time and so adopted by the ducal protégé, but to be at variance with the evidence of the Sagas. The point at issue is, it seems, bitterly contested not so much in Normandy as in the Scandinavian countries. The millenary celebrations at Rouen in 1911 were preceded by a controversy between Danish and Norwegian scholars, which developed such heat that M. Steenstrup, the protagonist of the former, thought it prudent not to appear and the maintenance of the Danish thesis was left to the Swedish visitors, who threw into it some of the ardour inspired by the then recent separation of Norway and Sweden.

M. Prentout's identification of Hasting with the Hallstein, son of Thor-Wolf, of the *Eyrbyggja Saga* is ingenious and well worked out, but he does not himself claim for it more than the character of a not improbable hypothesis. The evidence for the Norwegian origin of Rollo is stronger. As against the unsupported assertion of Dudo that he was a native of Dacia or Denmark and details so vague that the name of his father is not given, the definite statement of the Saga of Harold Harfagr that he was Rolf, called Ganger Rolf, elder son of a Jarl of Moere (near Trondhjem) named Ragnvald, confirmed as it is by other and independent sources, leaves little doubt in the mind of an unbiased inquirer. It does not follow, of course, that Rollo's followers were all or even predominantly Norwegian, any more than they were all Danish as M. Steenstrup believes. Here, as elsewhere, the settlers probably included bands from both Norway and Denmark, and M. Prentout suggests that if the study of local nomenclature, folk-lore, and so forth were as advanced in Normandy as in England this point would already have been settled.

An interesting side issue in the story of Rollo as told by Dudo is his connexion with 'rex Anglorum Christianissimus, nomine Alstemus', who provided him with ships before his first arrival in the Seine at a date anterior to 876 and to whose assistance against his rebellious subjects Rollo is said to have gone after the Norman siege of Paris in 885. A suggestion originally made by Suhm and adopted by Lappenberg and J. R. Green identified Alstemus with Alfred's opponent, Guthrum of East Anglia, who on his baptism in 880 took the English name of Athelstan. But if he was Rollo's friend, the date of the Scandinavian leader's arrival in the land in which he was to find a permanent home has evidently been antedated by Dudo. M. Prentout, indeed, agrees with Steenstrup and others who place it not earlier than 896. Otherwise, the Danish attack on Kent in 885, in which Guthrum's subjects are said by Ethelward to have aided their heathen kinsmen and so incurred the vengeance of Alfred, would fit in admirably with the date at which Dudo makes Rollo go to

the assistance of Athelstan. M. Prentout's suggestion that the canon had Alfred's grandson, King Athelstan, in mind and that the story in question was a reflexion of aid given by the Normans against their kinsmen in England at the battle of Brunanburh (937) after Rollo's death, seems rather far-fetched, though the confusion is perhaps not beyond Dudo's power of chronological distortion.

We should have liked to follow M. Prentout's confrontation of his author's text to the end, but his examination is so minute and painstaking that the part must be taken as a specimen of the whole. His work will be found indispensable by every student of early Norman history.

JAMES TAIT.

*Études sur la Polémique religieuse à l'époque de Grégoire VII : les Pré-grégoriens.* Par AUGUSTIN FLICHE. (Paris : Société Française d'Imprimerie et de Librairie, 1916.)

THIS work, which must be judged by its value and not its size, has a well-defined aim. Most writers until now have made Hildebrand the central figure and the mainspring of reform from A. D. 1048 onwards. For this, however, there is little evidence and none really trustworthy, although the tradition is still repeated : if we find him active in important posts under Leo IX and his successors he might be merely carrying out their designs and not inspiring their policy. Should we not, then, reconsider the old and still-prevalent view of Hildebrand and his influence in his pre-papal days ? Much material for such a reconsideration has already been gathered on different sides, and it is this task the author undertakes, with an ample control of his sources, sound methods of study, and a clear style of expression.

He begins with the church and its conditions under Leo IX, whose reforming activity he reviews. Then he discusses, with the help of an analysis of their writings, Peter Damiani and Cardinal Humbert, two leaders who attacked the same problems but gave different solutions of them. The evils they had to face were widespread clerical immorality and a deeply-rooted secularization of the church : these either showed themselves in the prevalence of simony or else arose directly from it. The enforcement of clerical celibacy, the encouragement of monasticism and its reform, the advocacy of asceticism, were parts of the attempt to raise clerical life, and here nearly all reformers were agreed. But there were differences among them when it came to a remedy for the secularization of the church. Was it possible for priest and statesman, for pope and emperor, to work together for good and on equal terms ? Would it not be better to cast away entirely all lay interference ? And further, was not lay investiture the real cause of the secularization ; and if so, was it not the one great thing to be attacked ? Peter Damiani, on the one side, thought it both possible and right for pope and emperor to work together for good : a king who put down simony and furthered piety might be allowed much control in church matters without any harm being caused. Cardinal Humbert, on the other hand, urged the independence of the church from any lay control. Here was a sharp difference of opinion, which showed

itself in the long discussion anent ordinations by simoniac bishops. Simony, said Humbert, was heresy, and as ordinations by heretics were void, all who had been ordained by such bishops needed reordination. Peter Damiani, on the opposite side, agreed as to the fault of simoniac bishops, but held that their unworthiness did not invalidate the sacraments which they had administered.

M. Fliche in his argument crosses the lines of some leading writers, especially of Hauck, Mirbt, and Martens, and to a less degree also of Saltet (in his *Réordinations*). Hauck's sketch of Gregory VII errs on the side of brilliance, and the colours of restless ambition, vast energy, and an almost demoniac craftiness are laid on too thickly. Compared with such an impressionist picture the sketch drawn by M. Fliche seems almost commonplace, but without doubt it is nearer 'things as they really were'. The main conclusion of Peitz that the Register of Gregory VII is the official and contemporary collection must be accepted, possibly with some slight reservations on minor points: previous criticism had been tending already to this result, and Hauck himself, in his really great work, had professed to take the letters as the best authority. And the personality which we see revealed in the letters is not dominated by mere ambition. It is also impossible to show that Gregory came to the throne filled with the design of subjugating the lay power. Thus, for more than one reason, a reconsideration of Gregory's papacy is needed, and M. Fliche sets about it in the proper spirit. Had he laid more stress upon earlier papal and conciliar legislation about lay investiture his argument would have been even stronger. It is undoubtedly right to trace the beginnings of reform to days before Gregory's papacy, and the sketches of Leo IX, Damiani, and Humbert are firmly drawn and clear. The account of Damiani could hardly be excelled, although his importance as a theologian is, perhaps, even beyond what is allowed him here. We might indeed question the verdict (p. 101) that in comparison with Humbert he lacked clear sight and practical common sense because he differed from him about the validity of simoniacal ordinations. The author thinks Humbert inferior to Damiani in argument, although wiser in holding the prohibition of lay investiture and the nullification of simoniacal ordinations to be the only way of checking simony. Here and in the account of his embassy to Constantinople our author seems too favourable to Humbert.

We should have welcomed an even further departure from tradition in regard to Hildebrand and Cluny; M. Fliche does not, of course, adopt the impossible account of Bonizo, but we doubt whether the great pope can be described accurately (p. 248) as 'formed by the Rule of Cluny'. Its influence may have been indirect during his youth on the Aventine, but the strongest impulses towards monasticism are later and more naturally found in Germany. It is hardly necessary, again, to trace to the influence of Damiani the cause of Gregory's asceticism; here, surely, there were many influences of the same type, or there may have been some personal taste. The exact relations between Hildebrand and Damiani will always be an interesting subject of discussion, and so far as concerns Alexander II and his rival Honorius, with Damiani's well-meant letter to Anno of Cologne, they are very well treated of here. There are many other excellent pages

and discussions which must be passed over, but it may be noted that Alexander II comes out here as a stronger pope than he is commonly supposed to have been, and the view taken of him commends itself. Finally, it may be noted that even from Jaffé's well-worked *Regesta Pontificum* M. Fliche gets some new light; everywhere, indeed, he uses his material, even where well known, with freshness and skill. He applies to the period under discussion exactly the treatment it needs: with a knowledge equal to that of his predecessors he does not, like some of them, follow tradition too closely, or like others of them carry independence into caprice or disorder. He is always well-informed, accurate, and judicious: his step is firm and his voice is clear, so that while thanking him for his guidance so far, we can look forward hopefully to further studies of the same value.<sup>1</sup>

J. P. WHITNEY.

*Recueil des Actes de Henri II, Roi d'Angleterre et Duc de Normandie, concernant les Provinces Françaises et les Affaires de France.* Introduction par LÉOPOLD DELISLE; Tome I, œuvre posthume de LÉOPOLD DELISLE, revue et publiée par ÉLIE BERGER. (Paris: Imprimerie Nationale, 1909-16.)

WITH these volumes the collection of *Chartes et Diplômes relatifs à l'Histoire de France* broadens its scope to include, besides the charters of French kings, documents issued by the rulers of those regions which led a practically independent existence under nominal subjection to French royalty. For such an undertaking the continental charters of Henry II offer a most appropriate beginning. Occupied with the Norman documents of this reign at the very outset of his career as a scholar, Léopold Delisle ultimately returned to this field of research with the incidental accumulations of more than half a century, and gave to it the closing years of his long labours in the cause of medieval learning. Before his death in 1910 he was able to collect more than six hundred documents of Henry II, and to see through the press the substantial introductory volume. The contents of this volume are in character partly diplomatic, partly chronological. On the diplomatic side, Delisle brings out clearly the persistence of the earlier usages of the Anglo-Norman chancery, but does not feel justified in applying to Henry's reign the later classification into charters, letters patent, and letters close. Rather he concludes that Henry's chancery recognized three groups, according as the seal was attached by cords, by a separate tag of parchment (*double queue*), or by a strip of the parchment of the Act itself (*simple queue*). Delisle also studies the characteristics of the well-known chancery hand of the period, and distinguishes the documents drawn up by royal clerks and by persons outside. Respecting matters less external, he lays stress on the rigorous fixity of style and arrangement followed by the king's scribes, and analyses carefully the different elements of the protocol. The anomalies in authentic documents are then examined, especially in the case of charters prepared outside of the royal chancery, and false or doubtful pieces are taken up monastery by monas-

<sup>1</sup> M. Fliche has since published in the *Revue Historique* (for May-June, 1917) an admirable article on 'Les théories germaniques de la souveraineté à la fin du XI<sup>e</sup> siècle'.

tery. All this shows the sure touch of the master, working with the added resources of modern photography, which also provides the means of verifying his statements in the accompanying atlas of thirty plates. The charters of the Young King come in for special treatment. No less skill appears in the chronological portion, which is fuller than is usual in such works, for the normal charter of Henry II is never dated and it becomes necessary to seek information in every direction. Besides the Pipe Rolls and the king's itinerary, laboriously reconstructed by Eyton, Delisle has searched out related documents, established the succession of the chancellors and their assistants, and brought together a hundred and fifty pages of biographical notes concerning the witnesses to the king's documents. In this connexion certain new documents are published, among them the statement of ducal rights in the Avranchin which has since been identified<sup>1</sup> as a fragment of the returns of the great inquest of 1171. The biographical notes must be taken for what they are, without attempt at completeness. Here and there slips should be corrected, such as the confusion introduced by attributing to Robert, dean of Rouen, a document issued by his predecessor Geoffrey.<sup>2</sup> Most fundamental of all the indices of date is the change of the royal style in 1172-3 by the insertion of *Dei gratia*, a criterion which Delisle announced in 1906 and which he here elaborates into definitive form. Without reviving the discussion to which this has given rise, I may say that I accept Delisle's result, subject to the limitations expressed by the editor of this Review in 1908.<sup>3</sup> Delisle uses this test throughout in determining dates, and his successor takes 1172-3 as the point of division between the two volumes which are to contain the full texts.

At his death in June 1910 Delisle left a mass of copies and photographs, which still required a considerable amount of collation and annotation as well as more rigid chronological treatment. As his literary executor he had chosen M. Élie Berger, professor of palaeography at the *École des Chartes* and well proved as an editor<sup>4</sup> by his editions of the *Registres* of Innocent IV and the *Layettes du Trésor des Chartes*. Although neither a Norman nor a specialist in the twelfth century, M. Berger took up the task with devotion, and has carried it on with accuracy and skill. A new exploration of the whole field was out of the question, yet Delisle's list has been increased by a hundred and fifteen new pieces. The texts as copied by Delisle have been improved by revision and collation. The date of each charter has been subjected to a new examination, leading at times to a new conclusion, and in all cases the reasons have been scrupulously indicated. Scholars have reason to be grateful to M. Berger, not only for his carefully established texts, but for substantial rectifications of his master's work. If he has not indicated all the previous editions of his documents, this is more than could be expected under the conditions of his task, and if here and there special familiarity with local records might have aided him, he is not to be criticized for the lack of it. Not every one can be born a Norman!

<sup>1</sup> *Ante*, xxvi. 326 f.

<sup>2</sup> See *American Historical Review*, xx. 35, note 79.

<sup>3</sup> *Ante*, xxiii. 79-83.

<sup>4</sup> Compare his review of the Introduction, *Journal des Savants*, August 1910.

The charters of Henry issued before his coronation as king can be grouped chronologically upon the basis of his successive assumption of the titles of duke of Normandy (1150), count of Anjou (1151), and duke of Aquitaine. The date of Henry's accession in Normandy, important for the rare instances where a regnal year has been interpolated in his charters, has not been definitely fixed by the editors. The year 1150 is well established,<sup>5</sup> but Delisle for no decisive reason inclined to its closing weeks, and M. Berger has followed him to the point of rejecting the elaborate dates in three Savigny charters (nos. 20\*, 79, 80; cf. no. 7\*), all of which can be harmonized by accepting the month of January given by Gervase of Canterbury (i. 142), who, however, seems to make the year 1151. The Aquitanian title is not the sure index of date which was once assumed. M. Berger many years ago showed that it was retained by Louis VII until 1154, and Delisle establishes clearly that Henry styles himself merely duke of Normandy and count of Anjou as late as his English sojourn of 1153. The itinerary is of assistance, and somewhat greater exactness can perhaps be gained by further study of the attestations, particularly of the chancellors. Unfortunately the chancery officials anterior to Becket are dismissed by Delisle with a word in a foot-note (p. 88), and M. Berger has not reopened the question. Henry inherited his father's chancellor, Richard de Bohun, besides using on two occasions another of his father's clerks, Thomas of Loches (nos. 21\*, 30\*<sup>6</sup>). Now Richard became bishop of Coutances after November 1151, and attests Henry's subsequent charters as such, so that the documents which he attests with the title of chancellor only may well be earlier than his consecration, a conclusion which is the more likely from the regular appearance of a certain William as chancellor in the later documents of this period (nos. 36\*, 50\*, 52\*, 65\*). Yet William's attestation in two earlier charters (nos. 13\*, 15\*) shows the danger of concluding too absolutely that the title was held by a single person at a time. The chancellor's clerk, Maurice 'of the seal' (nos. 20\*, 37\*, 44\*), seems, however, to have held only this subordinate function. The peculiar phrase 'in Pascha precedenti' in certain documents drawn up under the chancellor Richard would have puzzled M. Berger less (no. 5\*) if he had observed its occurrence in charters of Geoffrey.<sup>7</sup> It would be interesting also to know his reasons for thinking (no. 21\*) that in this period Henry used the style of Easter or the Annunciation for the beginning of the year. Matters of chronology overlooked by the editor in dating individual charters should be noted in no. 153, anterior to 1159 if Robert de Neufbourg is still seneschal (cf. no. 104); no. 214, subsequent to 1159 because of the mention of Abbot Robert, elected in that year; no. 384, which should be placed some years later because of the mention of Richard the Treasurer; no. 397, anterior to the translation of Bishop Rotrou of Évreux to Rouen in 1164 or 1165; and no. 409, where M. Berger has not followed Delisle in placing the charter after the death of the Empress in 1167. 'Baiocensi' should be emended for 'Carnotensi' in no. 77\*, and 'Arrie' for 'Cirrie' in no. 305. In the much-discussed writ for an assize (*secundum assisam meam*) on

<sup>5</sup> *Ante*, xxvii. 423, note 26.

<sup>6</sup> Cf. *ante*, xxvii. 428; Halphen and Poupardin, *Chroniques des Comtes d'Anjou*, p. xxix, n.

<sup>7</sup> *Ante*, xxvii. 429, note 52.

behalf of the bishop of Bayeux (no. 21), the clause respecting the bishop's barns has dropped out.

The royal style of Henry II is so explicit in his documents that where the text is trustworthy there is no excuse for the confusion with Henry I or Henry III of which the older editors were guilty, and which has left its mark even in official publications (e.g. *Calendar of Patent Rolls, 1377-81*, p. 111, where the grant is evidently of Henry I). In corrupt copies, however, it is not always possible to distinguish the documents of Henry II from those of Henry I. A well-known example is the grant to Odoïn of Malpalu, the king's pantler,<sup>8</sup> which combines the style of Henry II with witnesses of Henry I's time, and occasioned prolonged discussion between Delisle and Mr. Round.<sup>9</sup> A similar example in the present volume is a charter for Beaubec (no. 314),<sup>10</sup> where the attestations of Bernard of St. David's and William of Tancarville point clearly to Henry I. So in no. 173, concerning which the editors have some misgivings, the royal style and the name of Robert de Courcy belong rather to Henry I. An unpublished charter for Conches, the witnesses of which are omitted in the cartulary copy (Archives of the Seine Inférieure, G. 851, f. 59), may belong to either sovereign. On the other hand, I attribute to Henry II a charter for Chartres cathedral which the editors have overlooked (Bibliothèque Nationale, MS. Lat. 5185 I, p. 328), since the style is simply 'H. dux Normannorum' and the witnesses are of his time. An unmistakable writ of Henry II for Héauville<sup>11</sup> is also omitted.

All collections of this sort suffer from one disadvantage—the necessity of explorations both in England and France and of familiarity with the Anglo-Norman period on both sides of the Channel. The Anglo-Norman kings had one chancery, not several, and it was more or less an accident where a particular document was issued, so that it is impossible to treat the charters relating to any particular region without examining problems of palaeography, diplomatic, chronology, and the sovereign's itinerary which are common to a whole reign. The ideal collection for the reign of Henry II would comprise his English charters as well as those for the Continent. Delisle realized this to the extent of securing photographs of all available originals in England, and he included in his plan all charters for English beneficiaries issued on the Continent or addressed to continental officials, as well as charters for continental houses issued in England. Besides the materials available to Eyton, the editors have laid under contribution the calendars of charter and patent rolls and various other collections, as well as the invaluable photographs from cathedral archives furnished by the Rev. H. E. Salter.<sup>12</sup> In the nature of things, however, such investigation of English material at long range must be incomplete. There are, for example, important charters issued on the Continent in local cartularies, like that of Colchester printed by the Roxburghe Club (i. 39,

<sup>8</sup> Delisle, *Cartulaire normand*, no. 14; Round, *Calendar*, no. 1280.

<sup>9</sup> *Bibliothèque de l'École des Chartes*, lxxvii. 395-7; *Archaeological Journal*, lxxiv. 73-7; Delisle, *Henri II*, p. 34 n.; Round, *The King's Serjeants*, p. 199 f.; cf. Poole, *ante*, xxiii. 80, note 3.

<sup>10</sup> See *ante*, xxiv. 214, note 18.

<sup>11</sup> *Revue catholique de Normandie*, vii. 446.

<sup>12</sup> Cf. *ante*, xxiv. 303-13.

50); in Mr. Farrer's notable series of *Early Yorkshire Charters* (nos. 140 f., 176 f., 286, 837, 871, 889, 1149 f., 1386, 1389 f., 1453, 1461); and in the *Reports* of the Historical MSS. Commission.<sup>13</sup> By so much must the continental itineraries of the edition be considered incomplete.

On the whole it cannot be said that the documents of Henry II make interesting reading. They consist chiefly of long confirmations, or *pancartae*, on the one hand, or of writs of protection, freedom from toll, &c., on the other. Of the judicial and administrative writs, relatively few have been preserved, and one rarely finds the bits of local colour or personal detail which enliven the monastic notices or the more narrative charters of an earlier age. The perfection of the administrative system tends to rob it of human interest. As a piece of mechanism, however, the chancery of Henry II deserves the high praise which Delisle gives it (pp. 1 f., 151) for its extraordinary activity, its regularity, its irreproachable precision, its 'solid and severe elegance', and its remarkable uniformity throughout his various dominions. Like Glanvill and the *Dialogue*, Henry's charters and writs tell the story of a remarkably orderly and business-like government; and when we remember that the surviving writs are but a small percentage of the many thousands presupposed by the other records of his reign, we can realize the enormous advance which had been made in the direction of bureaucratic administration. CHARLES H. HASKINS.

*Le Strange Records.* By HAMON LE STRANGE, F.S.A. (London: Longmans, 1916.)

THE sub-title of this handsome volume describes it as 'A chronicle of the early Le Stranges of Norfolk and the March of Wales, with the lines of Knockin and Blackmere continued to their extinction', and the author's preface sounds the key-note of the work when he tells us that it is 'an attempt to write the early history of the family from records of the twelfth and thirteenth centuries'. Such a scheme in the case of a house which played an active part in our medieval history gives the book a just claim to notice in this Review. Moreover, the fact that Professor Tout is vouched for 'the correction of the historical portions of the narrative in the light of modern research', particularly those relating to the Welsh March, will give increased confidence to students. As to the genealogical side of the work, which is elaborately developed, one is glad to see that the author insists on the production of the original authorities for every statement and rejects everything 'not susceptible of strict proof'. This is a spirit sadly rare in writers of family history.

The book is well arranged, and the convenient summary of its contents given in chapter x enables one to grasp in a brief compass who the early Le Stranges were and what they did. It is an interesting fact that no fewer than three members of the house were among those who affixed their seals to 'the Barons' letter to the Pope' in 1301. Fine photographs of these seals will be found in the chapter devoted to the arms of the Le Stranges and their differentiation. As to the *provenance* of the house, which is of some interest, the author has not increased our knowledge.

<sup>13</sup> *Various Collections*, i. 187; *Fifteenth Report*, x. 67.

His 'summary' claims that 'some legendary stories as to its origin have been refuted' in his pages, but he frankly admits at the outset that this was done by Eyton in his *Antiquities of Shropshire*, a work to which he confesses his own great indebtedness (pp. 2-3). He also duly mentions the present writer's discovery that the family was of Breton origin, and came to Norfolk with Alan Fitz Flaald, when the latter received from Henry I, early in his reign, the Mileham fief<sup>1</sup> (pp. 8-10), and insists on the close connexion 'between two families which, as has been shown, came from oversea from the same corner of Brittany'. Yet he adds that 'it is desirable to lay special stress on the point already mentioned, that le Strange belongs to a group of "new men" from the extreme west of Normandy and Anjou' (p. 10). On pp. 23, 24, 25, Alan and the first le Strange are 'of Breton or Angevin origin', so that 'clearly Henry II pursued the policy, initiated by his grandfather . . . by importing from his foreign province of Anjou new and able leaders attached to his own person' (pp. 23-4). Finally, the 'summary' definitely states that 'the first settler came, not from Normandy, but from Anjou . . . The politics of the time are reflected in their transfer, with other Angevin families, by Henry of Anjou to the borderland of Wales' (p. 351), while the book closes with the assertion that '800 years have elapsed since the progenitor of the English stock came over from Anjou' (p. 374). Mr. Le Strange endeavours to find illustration of history in this maze of contradiction. He writes:

Professor Tout has drawn my attention to the fact that the early stages of family history often illustrate important historical points. The present instance brings out two points: (a) Henry I's 'new men', brought from his own personal possessions beyond sea; and (b) Henry II's continuation of his '*avitae consuetudines*', as shown by his settling his father's [*sic*] friends in the Welsh March, where a loyal nobility was so particularly necessary (p. 25).

Brittany was not among the 'personal possessions' of Henry I, nor were the Stranges among the 'new-comers' spoken of by Orderic (p. 70). And what had they to do with the *avi sui consuetudines* of the Constitutions of Clarendon?

We are grateful to the author for the fine reproductions of early documents and cartulary pages, which have at times the untoward effect of enabling us to check his own reading of them. Following Eyton, he relies largely, for the early pedigree, on a Binham charter,<sup>2</sup> which, in me at least, excites grave misgiving. Among its witnesses, 'Ruel decanus et filii eius Briencius et Fabianus'—clearly Bretons—are read as 'Rueldus de Camis', &c., and again, 'filii eius Walter Rothland'<sup>3</sup> as 'filius eius, Walterus Bochlandus'. It is much to be regretted that the important Le Strange charter of the twelfth century, printed in the *Crawford Charters* (no. xix), was unknown to the author. He duly reprints the Le Strange

<sup>1</sup> *Studies in Peerage and Family History*, pp. 120-4. I have there shown that Henry had received support from Bretons when lord of the Cotentin. The author makes me speak of some Norman families who followed him from the Cotentin as 'the group of families from Dol'. These latter, of course, were Bretons.

<sup>2</sup> Cott. MS. Claud. D. xiii, fo. 87.

<sup>3</sup> A variant of 'Rodland', 'Rolland', &c., which was a Le Strange name. Cf. *Rot. de Dominabus* (Pipe Roll Soc.), p. 62.

entries in the fragments relating to the inquest of sheriffs (1170), but imagines that they are found in the Red Book of the Exchequer (p. 36), where they are in fact printed as an appendix to the preface, and wrongly follows the editor of that work in their assignation and in the purely imaginary statement that 'in the Red Book of the Exchequer (II. cxx<sup>4</sup>) John le Strange is returned as in debt to the Crown for the whole period 1165-1171', which he thinks 'the result, no doubt, of his having to pay the expenses of border garrisons on the Welsh March' (p. 33). This is not the way in which to illustrate history.

The chart pedigrees, however, which the author has compiled should certainly prove of convenience to students of the history of the Welsh March, for the Welsh princes intermarried with this ancient warrior race. Apart from its two baronial lines, known as those of Knockin and of Blackmere, it included Roger Le Strange of Ellesmere, who was summoned to the 'model' parliament of 1295, and whose 'despatch' to Edward I, announcing the death of Llewelyn in 1282, is reproduced. This notable man and active officer of the first Edward was a younger son of the Knockin Stranges, whose direct male line came to an end in 1397. From another there descended the Blackmere line, which ended in an heiress even earlier (1375). Yet another was Hamon Le Strange, whose sister Elizabeth became grandmother to Owen Glendower, and who obtained Hunstanton, the family's *stammhaus*, in 1310. There his descendants in the male line—baronets from 1629—continued down to so late a date as 1760. Thenceforth their representatives were the families of Styleman and Astley. The barony of the Knockin Stranges has been in abeyance between their coheirs since 1594, and that of the Blackmere line since 1616. An accurate genealogist is bound to protest against the statements that 'the Norfolk branch of the family has happily survived to our own days', and 'the family name carried on in lineal descent to our day'. That in the year of the Eglinton tournament (1839) and in an age of such revivals the Stylemans assumed the name of Le Strange, or that they subsequently (1874) dropped their own, does not affect the accuracy of the facts as I have set them forth. J. H. ROUND.

*The Monks of Westminster.* By E. H. PEARCE, M.A., Canon and Archdeacon of Westminster. (Cambridge: University Press, 1916.)

WESTMINSTER ABBEY possesses a series of muniments which are certainly without a rival among the monastic foundations of this country. These have been arranged, described, and made accessible by the devoted labours of Dr. Edward Scott, Keeper of the Muniments, and, working on them, Archdeacon Pearce has produced a book which is and will probably remain unique in the history of English monasticism. It is (to quote the subtitle) 'a register of the brethren of the convent from the time of the Confessor to the Dissolution'. In all over seven hundred names of monks are included: under each name are collected such facts about the individual's life as the compiler has been able to obtain from the abbey muni-

<sup>4</sup> *Rectius* cxx, where 'John Extraneus' is included among those then 'indebted to the Crown'.

ments and other records, with references to the authorities for each statement. It is a laborious piece of work, executed in scholarly fashion.

In his introduction the author gives a description of the materials he has used. Down to about 1300 documents are miscellaneous and comparatively scarce, and the preservation of names is more or less accidental. For this period Archdeacon Pearce has relied too much on the Abbey muni-ments, and some few additions could be made from the public records. Thus the Liberate Roll of 17 Hen. III supplies a date (1233) and an office (that of precentor) to Bro. Stephen of London (p. 53). But from about 1300 onwards there are (besides the list of 49 monks arrested in connexion with the robbery of the royal Treasury, in the Patent Rolls, 1303) several series of obedientiaries' computus rolls which supply lists of monks: none of these is continuous, but they supplement each other, and for the last two hundred years of the monastery's existence the list of monks may be considered complete. The computus rolls which are of most value are those of the infirmarer, the chamberlain, and the wardens of the manors. The earliest infirmarer's roll extant belongs to the year 1297-8, and by good luck in that year forty-nine brethren—practically the whole of the convent—applied for 'permission to take medicine' and had their names recorded. The chamberlain was the clothier of the prior and convent: the income of his office, derived from property in London and the country, amounted to about £88 a year, and from this he had to supply *panni nigri, femoralia, caligae, pedules, stragulae*, and *pellicia alutaria* to about fifty brethren. On the back of each roll is given the list of monks to whom these garments are distributed. The earliest appears to be of the date 1316, but 'there are many and grievous gaps in the series'. There are several manorial lists. The earliest is that connected with 'the manors assigned for the anniversary of Queen Eleanor' (wife of Edward I). From 1307 it became the custom to divide the residue of the manorial revenue, after the anniversary had been paid for and some distribution made to the poor, among the monks as pittances. It was not, however, till 1390-1 that the wardens give a list of the monks among whom the residue was divided. In this year the residue was £150 10s., which meant 'a dividend of £3 10s. to each of thirty-five "fratres sacerdotes" including the Prior, whose share is doubled, while one of the juniors gets £3, seven get £2 10s., and three get £1 6s. 8d.' The foundations of Richard II and of Henry V were treated in the same way. These pittances, amounting to about £5 a year for each monk, were of the nature of private incomes: in the fifteenth century a number of the brethren were in receipt of pensions as a reward apparently for service as obedientiaries.

The average number of the monks between 1328 and 1534 was 47; the lowest in any one year being 32 in 1362-3, when the effects of the Black Death were still felt, the highest 59 in about 1400. There was a gradual decline in the fifteenth century, and in the first part of the sixteenth the average number was 44. From the complete record of the fifteenth century Archdeacon Pearce comes to the conclusion that the average of admissions to the Order at Westminster was about two each year (p. 37).

The editor is not unnaturally disposed to resent Dean Stanley's remark

that the names of the monks of Westminster 'are still more obscure' than those of the abbots. Yet what strikes one most and first is the obscurity of the name: in this register. A monastery was not like a college: the monks made no claim to intellectual distinction; they did not aim at acquiring the leadership of men; and perhaps should not be blamed if they attained to neither. During the greater part of the period covered by the muniments more than half the monks seem to have held offices which required a good deal of attention to and knowledge of business. Towards the end of the period there was a tendency to concentrate all the offices in a few hands, but there is no reason to suppose that this meant a revival of the purely religious life for the majority, rather a general lessening of vitality. 'In such a condition of things the greater part of the brethren must have felt themselves to be mere ciphers in the administration of the House, and the end was not far off' (p. 32).

The large number of gifts of vestments, ornaments, &c., from monks to the Abbey is evidence of *esprit de corps* and affection for the institution. And the same conclusion may be drawn from the writings of the monks. Very few of them—not more than a score—appear from the evidence in this volume to have written anything of a literary nature, but more than half of those who did write compiled works more or less connected with the history of the Abbey. Scholastic theology seems to be represented only by two *tabulae* of works of Thomas Aquinas and Nicholas de Lyra (p. 113). A few monks are noticed as possessing books, especially Simon Langham, who had a large, and Richard of Exeter, who had a small but select library.

In 1290 the Benedictine houses in England began to maintain students at Oxford. Two Westminster monks appear as Oxford scholars first in 1339–40, but it was not till 1360 that maintenance of student monks at Gloucester College became a custom in Westminster Abbey; each received an exhibition of £10 a year, later (c. 1435) reduced to 10 marks. The number of student monks increased at the end of the fifteenth century owing to benefactions of Henry VII. Most of them did not (so far as one can judge from existing records) proceed to a degree, but in the case of those who did an interesting question arises, namely, where and how did they receive the preliminary training in arts which the university demanded from candidates for degrees in theology? Take the case of Thomas Merke, who entered the convent probably in 1376, certainly not later than 1379; he was student at Oxford in 1392–4, and in 1392–3 received £10 'pro expensis suis factis circa introitum ad sentencias'; he was S.T.P. before he became bishop of Carlisle in 1397. It is clear that he must have gone through an arts course sufficient to satisfy the university while he was monk at Westminster. We have occasional references to a song school and an almonry school, but no hint of any provision for teaching the monks. Yet it is clear there must have been some instruction of a fairly advanced kind provided. Did the monks attend the grammar school? Many other questions are suggested by this catalogue of obscure names. From what ranks of society were the monks drawn? There is very little evidence. A considerable proportion seem to have come from villages on or near the property of the Abbey. What was the method of recruiting? Was there any method of searching out men fitted for the monastic life, such as

seems to have prevailed among the Benedictines in the Low Countries at the end of the fifteenth century? On this the muniments throw no light.

The volume is full of interesting details on monastic life, prices, journeys, building, medicine, &c., some of which Archdeacon Pearce has used in his charming sketch of *William de Colchester*; one may hope that he will use them on a larger scale in a less severe and more popular history of the monks of Westminster.

A. G. LITTLE.

*Oxford Studies in Social and Legal History.* Edited by SIR PAUL VINOGRADOFF. Vol. V: *The Black Death*, by A. ELIZABETH LEVETT and A. BALLARD; *Rural Northamptonshire under the Commonwealth*, by REGINALD LENNARD. (Oxford: Clarendon Press, 1916.)

THE bond of union between the two monographs which are included in each volume of this series has not always been close, but in the present case they are at least *in pari materia*, though different in date and scope.

One of the difficulties met with in appraising the effect of the Black Death upon the development of English agricultural economy in the fourteenth century is the rarity of manorial account rolls which are continuous over the plague years. The Pipe Rolls of the see of Winchester are a fortunate exception and the more valuable because its estates lay in several counties of the south and south-west. Miss Levett supplies the results of an examination of the rolls for some sixty manors in Hampshire, Somerset, and the Thames valley; and a similar study of the manors of Witney, Brightwell, and Downton, in Oxfordshire, Berkshire, and Wiltshire respectively, was contributed by the late Adolphus Ballard, a warm appreciation of whose historical work is prefixed to the volume. Miss Levett shows much skill and acuteness in marshalling a great mass of somewhat refractory material and bringing its evidence to bear upon economic questions which are still in doubt. In spite of the extensive use of tabulation, her analysis is not very easy reading, but this is not due to any lack of clearness, being rather the result of the amount of detail which has to be discussed within rigid limits of space. It is perhaps partly to be explained too by Miss Levett's very proper refusal to be more definite than the evidence will really permit and the care she takes to present the different possible interpretations of the facts. The indecisiveness of the material on such an important point as the population of the various manors before the pestilence and the mortality which it caused is rightly emphasized.

Indefinite as it is in part, the evidence of the Winchester Pipe Rolls quite clearly disproves, for the districts which they cover, the view that the Black Death brought about an economic revolution. In this it only confirms of course the reaction that has long been gathering force against the extreme cataclysmic view of Thorold Rogers. But while the standard English economic text-book continues to repeat that 'it seemed as if the agriculture of the country was completely ruined', the reinforcement of sounder doctrine cannot be said to be unnecessary. No doubt there were manors here and there, possibly groups of manors, which, if they were typical, would justify the sweeping conclusions of the older school. Among

the Winchester group Witney seems to have been a case of this kind. According to Mr. Ballard, it lost two-thirds of its population by the plague, the labour bill for the demesne was more than quintupled, tenants could not be found for vacant holdings on the old terms, and by 1376 labour services had been entirely commuted. But Witney stands alone among the sixty or more manors whose economy is here analysed.

In this large and widely dispersed group the mortality, as far as it can be guessed at from imperfect material, did not on the average amount to a third of the population; the rolls show that the agricultural operations proceeded without drastic interruption; and the heavy fines paid for entrance on vacant holdings are inconsistent either with great depopulation or with reluctance to perform the labour services with which the tenements were burdened. Several features observable in the economy of these manors before the plague helped to minimize the effects of the sudden loss of labour caused by the visitation. Permanent commutation of labour services, as contrasted with sale of works, had not gone very far, and affected the precise team services rather than the manual works whose comparative indefiniteness made them more useful in any time of agricultural change or special strain.<sup>1</sup> Again—and this is a point which, as Miss Levett points out, has not received due attention—the excess of works due over works required, often large, which in normal times was sold or acquitted, served as a reserve of labour service which could be drawn upon in such a crisis as that of the years beginning with 1348. These considerations afford at least a partial explanation of the fact that the wages bill, usually low in these episcopal manors, did not rise as much as might have been expected in the plague years. The lands in question may have been more favoured than the average lay manor; they included part of the fertile and highly cultivated Taunton Dean, and tenure under a rich and absentee landowner had certain advantages. At any rate, the bishop seems to have drawn a large income from them without, as far as we can judge, any undue burdening of the cultivators. Nor did the Black Death diminish the prosperity of either party. The large margin of profit which most of these Winchester manors yielded before 1348 does not seem to have been materially reduced. Some of its sources were cut off for a time, but the deficiency was made good by the exceptionally great incomings from heriots and fines.<sup>2</sup> On the other hand, the very fact that tenants were able to pay the heavy fines goes to show that their prosperity had sustained no serious set-back.

There is little evidence in the area examined of any temporary check upon commutations due to shortage of labour caused by the plague and little more of an ultimate acceleration of the process in consequence of the large number of vacant holdings. The fines seem to prove that no great difficulty was experienced in finding tenants for these holdings, nor does there seem to have been much increase in the amount of demesne farmed out or the leases granted. The absence of any marked growth of

<sup>1</sup> p. 39. But Mr. Page's generalization that *Spanndienste* had been almost entirely commuted by 1350, while *Handdienste* remained practically unchanged, does not hold good in the Winchester manors (p. 40).

<sup>2</sup> At no time do the fines in this area conform to Mr. Page's view that a fine was roughly equivalent to a year's rent (p. 44).

leases is one of the points in which the Winchester evidence contradicts the conclusions deduced by Mr. T. W. Page in his *Disappearance of Villeinage in England* from similar material chiefly relating to the south-east of England. Other divergences are in regard to the agricultural anarchy caused by the pestilence and the difficulty of finding new tenants for vacant holdings on the old conditions, neither of which holds good in the Winchester manors. Miss Levett agrees generally with Mr. Page that commutation of services to a money-rent was frequent by 1380, but, unlike him, does not trace it so much to the depopulation caused by the Black Death, as to the inevitable acceleration of the transition from a natural to a money economy which had begun long before the coming of the plague. Attention is drawn to the fact that a great many services were not actually commuted, but simply dropped out, either because the tenure of holdings was altered, or because for other reasons they ceased to be demanded. The most effective of these reasons seems to have been that such services began to be recognized as unprofitable. Hired labour was more efficient and elastic, and the extra cost of the meals supplied to customary tenants when rendering these services which resulted from the general rise of prices reduced the disadvantage of an increased wages bill. Miss Levett is careful not to claim universal validity for the features observable in the area under discussion. Allowance must be made for the geographical factor and for differences of method and estate management. The contradictory results obtained in part by Miss Levett and Mr. Page from contemporary materials are doubtless to be explained in this way.

Mr. Lennard's contribution to the volume is an attempt to discover the rate at which a later phase of the long transition from the manorial to the modern farming economy, that of enclosures, did its transforming work. His results must be received with the caution that they are drawn only from a single county and from none but Crown estates there, but they are interesting. The limitation of the inquiry to one category of Northamptonshire estates is prescribed by the material, which consists of the parliamentary surveys of 1650 preparatory to the sale of Crown lands under an Act of the previous year. In the case of Grafton and Hartwell, which are dealt with in more detail than the others, some earlier and later surveys are used for purposes of comparison. Although Northamptonshire was one of the counties in which enclosures were most complained of, the striking result of the inquiry is the permanence of many medieval features, such as a large proportion of arable and its strip division in open fields, down to the middle of the seventeenth century. Alongside these survivals there is plenty of evidence of engrossing, consolidation, and enclosure; there were a few large farms, mainly under grass, including one of 1,700 acres, and the value of pasture was nearly five times as great, on an average, as that of arable. But the general picture that these surveys present is not one of sharp and sudden agrarian revolution, but of a slow and protracted process of change in which the new system had to make its way against strongly conservative local opinion. Among the incidental features elicited is the failure of the Act of 31 Elizabeth, which, as a precaution against extension of pauperism and consequent

local burdens, forbade the building of cottages unless they had attached to them four acres of land to be kept in regular cultivation. Mr. Lennard has carried out a useful piece of research in a thoroughly workmanlike fashion. The only omission we have noted is his failure, in speaking of the sale of episcopal lands under the Commonwealth, to mention the article on that subject by Mr. G. B. Tatham which appeared in this Review in 1908.<sup>3</sup>

JAMES TAIT.

*Studies in Tudor History.* By W. P. M. KENNEDY, M.A., F.R.Hist.S.  
(London: Constable, 1916.)

OF the ten studies in this book one is concerned with Henry VII's policy, one with Henry VIII and Clement VII, two with the Edwardine reformation in its literary and social aspects, one with Queen Mary, four with the Elizabethan settlement, and one with Reservation under the Anglican Prayer Book. Thus the studies are mainly ecclesiastical, and the religious changes are their constant theme. Upon those changes the writer, as a Roman Catholic, holds strong opinions, and though, as he says in his preface, he has 'done his utmost to lift the book out of the atmosphere of controversy', yet he is conscious that 'he has at times failed in his ideal'. This is most conspicuous in the Elizabethan studies: thus 'the Reformers . . . walked respectfully (at least when it suited them) in the early ages' (p. 289), and after the Roman Catholic martyrs and confessors it is the Puritans who win the writer's sympathy, for they can claim 'a spirit of piety unknown to the Elizabethan church, as far as history has disclosed its inner life', and 'the Puritan . . . is not unworthy to stand in some degree at least with some of those who for the Old Religion were martyrs and confessors' (p. 281).

The most original contribution to learning is the essay on Reservation, with its careful distinction between 'to celebrate' and 'to minister' (p. 295); and here evidently the writer owes much to Dr. W. H. Frere, to whose researches—manuscript as well as published—he confesses his early obligations. Mr. Kennedy has dedicated his book to Professor Pollard, who has also aided him, and it would seem that the book owes something to the minute research of the late Mr. Nicholas Pocock, most learned of sixteenth-century English church historians. It is a misfortune to learning that some of Mr. Pocock's articles and papers have not been collected and reprinted; for in various articles in the *Union Review*, 1870-3, and especially in two articles in the *Church Quarterly Review* (October 1892 and October 1893), and in an article contributed to this Review (July 1895), Mr. Pocock had already stated the evidence and arrived at the main conclusions which Mr. Kennedy reaches in his essays on *The Edwardine Reformation* and *Some Aspects of Edwardine Life*. The rare books and pamphlets quoted by Mr. Kennedy on pp. 49-79 of this book are, with the exception of one, or possibly two, all cited even more fully in Mr. Pocock's articles in the *Church Quarterly Review*. And Mr. Pocock insisted most clearly on the points Mr. Kennedy makes, viz. that the government from 1547 to 1549 was encouraging the circulation of pamphlet literature which

<sup>3</sup> Vol. xxiii, pp. 91-108.

was far in advance of its official policy, and that the Second Prayer Book was the outcome of a very deliberate design and was meant (so Mr. Pocock held) to be succeeded by a third. The plan of this book excludes foot-notes and lists of authorities, and the author states that he has 'of course, used the writings of almost every previous historian', but even so some notice of Mr. Pocock's remarkable pioneer work in this field would be in place here.

Mr. Kennedy has already achieved distinction with his *Life of Archbishop Parker*, and in this book he writes clearly and well: if his conclusions are not for the most part novel nor original, yet they are stated fairly and sensibly. His account of Queen Mary, her aims and the causes of her failure, is first-rate. It is odd that he describes the valuable '*Interpretations*' of the Bishops as 'some little known and disparaged documents' (p. 146) when he edited them admirably for the Alcuin Club in 1908. Mr. Kennedy rarely slips, but he does so in his description of Cardinal Allen as 'Principal and Proctor of St. Mary's Hall in 1556' (p. 197). Allen was Principal of St. Mary Hall in 1556 and until 1560, and he was also elected one of the two Proctors of the University in 1556 (*vice* one who resigned), and he was elected again for the next year, 1557. There are a few misprints: p. 103, 'provision from fasting' should be 'for fasting'; p. 206, *Regnas* should be *Regnans*; and the phrase 'different than what we know' on p. 165 needs correction.

S. L. OLLARD.

*Calendar of State Papers relating to English Affairs, preserved principally at Rome in the Vatican Archives and Library.* Vol. I. Elizabeth, 1558-71.  
 Edited by J. M. Rigg. (London: H. M. Stationery Office, 1916.)

THE publication of this volume begins the process of filling up one of the principal gaps in the materials available for the history of Elizabeth's reign, and students have long been looking forward to the light it might throw on the vexed problems of the time. To a considerable extent these anticipations were doomed to disappointment because they were based on an exaggerated and ill-informed view of the possible contents of a calendar of state papers preserved at Rome. The calendars of state papers issued under the auspices of the master of the rolls fall into two principal categories, the correspondence of the English government with its agents, and the correspondence of foreign governments with theirs; under the first head come the Domestic, Foreign, Irish, Scottish, and Colonial calendars, under the second the Spanish and Venetian calendars. This Roman calendar belongs to the second class, but the extent and value of such correspondence obviously depend upon the maintenance of diplomatic relations between the two governments. The Venetian calendar is reduced, at Elizabeth's accession, to one-twentieth of its bulk under Mary because the Venetian government ceased to keep an ambassador at Elizabeth's court; and the Roman calendar is in even a worse case, for while lesser Venetian agents continued to reside in England and to report on English affairs, the statutes of *Praemunire*, unrepealed even in Mary's reign, prohibited all intercourse with Rome without the sovereign's licence; and, to judge from the almost total absence of English

correspondence in the papal archives, Englishmen stood in a wholesome awe of *Praemunire* from the very first day of Elizabeth's reign. There is one document, an anonymous news letter in Italian, dated from London on 28 March 1559; but with that exception the silence of England in the papal ear appears to be complete. Even the catholic refugees seem to have had no epistolary access to the curia, and we are at a loss to account for the absence of any letter in the Vatican from such men as Bishop Goldwell, Sir Richard Shelley, and Sir Francis Englefield. The English government was slightly better informed of Roman affairs, but the occasional letters from English and other residents in, or visitors to, Rome naturally come within the scope of the *Foreign Calendar*. Hence the papacy was dependent for its knowledge of English affairs upon the second-hand reports of its legates and nuncios at Brussels, Paris, Madrid, and Vienna; and extracts from their dispatches make up the greater part of this volume. But they were concerned with diplomatic relations rather than with ecclesiastical changes in England, and we have the surprising result that the archives of the government more nearly concerned than any other except the English contain practically not a word about the means whereby England was finally severed from the Roman communion. It is as though two governments, tending not merely towards a temporary war but towards a final and irrevocable breach, were cut off from diplomatic intercourse.

The fact is of considerable importance, as indicating not only that the breach was not a matter of negotiation, but also the inherent weakness of the papacy and the difficulties of its future policy. There was really only one party to the breach with Rome, and that was England. Papal tyranny had never consisted in anything but the sway it exercised over English minds, and when England made up its mind to separate, there was an end of the matter. The papacy could not wage war by itself, and it was unable to persuade catholic sovereigns to wage war on its behalf. For that reason religious wars were always civil wars, and if England could avoid civil war it could defy the papacy with impunity. The Spanish Armada was not a catholic crusade, but a stroke for naval supremacy and for a potential monopoly of colonization. Papal support of such an ambition was bound to be ineffective; it was rendered more so by the lack of papal knowledge of English affairs. Pius V might not have launched his bull against Elizabeth, and Sixtus V might not have abetted Philip II, had not those popes depended for their knowledge of English opinion upon the out-of-date impressions of inveterate exiles and the biased and circuitous reports of foreign agents.

Mr. Rigg's material is therefore inferior to the contents of the Spanish and even the Venetian calendars, and his volumes will do less to complete our knowledge than would a corresponding French, a German, a Dutch, or possibly a Scandinavian calendar. Papal legates confined themselves mainly to ecclesiastical affairs, but in an age when church and state, religion and politics were inseparable, such a limitation seriously diminishes the historical value of their diplomatic correspondence, and a papal legate at Paris throws less light on English history than a Venetian ambassador at the French court. It is only incidentally that the dispatches in this volume become of first-rate importance. Such incidents were the missions

of Parpaglia and Martinengo, and both of them have been treated fully in Mr. C. G. Bayne's *Anglo-Roman Relations, 1558-1565*, to which Mr. Rigg does not refer. His calendar rises to greater value in connexion with Mary, queen of Scots, for the obvious reason that the Act of *Praemunire* did not prohibit Mary from communicating with Rome; but here again Father Pollen has anticipated Mr. Rigg in his *Papal Negotiations with Mary, Queen of Scots*, and Mr. Rigg is reduced to basing somewhat original views on evidence that is neither new nor original. He gives Mary the benefit of the doubt so far as Darnley's murder is concerned, but thinks that her marriage with Bothwell was 'the behaviour . . . of a cool and calculating adventuress' (p. 1). That, of course, was not the account which Mary herself gave to the pope three years later when she was seeking a divorce, and Mr. Rigg does not enhance the plausibility of his theory by describing Bothwell on p. xlvi as 'an experienced statesman' and on p. 1 as a 'rude soldier'. There is a similar inconsistency in the characterization of Philip II as 'nothing if not politic' on p. ix and as 'an honest bigot' on p. xiii, and between Mary's 'exceptional clemency' on p. xvii and her having 'no such horror of bloodshed' on p. xlix. It is all very well to be paradoxical, but not at the expense of one's own dogmas. Similarly Mr. Rigg's own documents belie the 'ruthless and relentless use' of her supremacy with which he charges Elizabeth (p. xv); and there is more eloquence than accuracy in his statement (p. xiii) that 'the Catholics, gentle and simple, learned and unschooled, laity and clergy, without distinction of rank, social or hierarchical, showed exemplary constancy, stedfastly refusing the oath of supremacy and suffering and dying with a fidelity and fortitude worthy of their religion and their race'. No catholic is mentioned in this volume (1558-71) as dying for his religion, and of the 8,000 Marian clergy even Father Birt only claims that some 2,000 refused the oath of supremacy.

It would, however, be unfair to regard these purple patches as typical of Mr. Rigg's editorial labours. He is an experienced historical and linguistic scholar, and this calendar is well above the average scholarship of its contemporaries. Occasionally he gives a disproportionate amount of space to his documents, as for instance the eleven pages (415-26) to what Ridolfi said, or proposed to say, to Philip II; and sometimes it is possible to correct or supplement his identifications. The 'Ruban' or 'Rubar' who was sent to the queen of Spain at Antwerp and to the emperor at Speyer in September 1570 was Henry Cobham;<sup>1</sup> and the bishop of Mondovi's Scottish confidant who appears as 'Buing' on pp. 305, 307 reappears in a more natural form as 'Irving' on p. 346, though it is only as 'Buing' that he is mentioned in the index. On p. 105 there is an early reference (1562) to Philip II's idea of marrying his 'natural brother' to Mary, queen of Scots, which is not included under Don John in the index, nor is Elizabeth's censure of 'the preacher that preached against images and the Saints' (p. 171) noted under 'Nowell'. The earl of Lennox is sometimes called Matthew and sometimes Malcolm Stewart. Richard 'Hortain' (p. 316) was Richard Norton,

<sup>1</sup> See *Foreign Calendar, 1569-71*, pp. 335 ff.

and the earl of 'Suesi' (p. 320) was Sussex. It is perhaps no business of an editor to warn his readers against the legends in his documents, but it is to be hoped that no one will be misled by the interesting fable (p. 475) that the Louvre was built by the English, presumably about 1430, 'to bridle the populace of Paris'.

A. F. POLLARD.

*The Development of Transportation in Modern England.* By W. T. JACKMAN. 2 vols. (Cambridge: University Press, 1916.)

MR. JACKMAN has based his narrative of the development of the means of transport—not of a certain form of punishment, as careless readers of his title might suppose—upon prolonged and most extensive study of a very wide field of printed and manuscript sources. Local histories, pamphlets, newspapers, parliamentary records of every kind, narratives of travel from all the modern centuries, guide-books, old maps, and upwards of a hundred titles of manuscripts fill a bibliography of sixty pages. The only recent book in economic history whose author has cast his net so wide is Dr. Scott's *Early History of Joint-Stock Companies*. The highest compliment one can pay to Mr. Jackman's learning is that much of his work, more particularly that on the seventeenth century, is as thorough as Dr. Scott's. There was room, ample room, for the book, since few sections of its subject-matter have as yet been treated in monograph. When dealing with the history of transport by road, however, Mr. Jackman has to face comparisons with Mr. and Mrs. Sidney Webb's recent *Story of the King's Highway*. He is certainly not less learned than they, but he is less skilful in presentation, and he shows less insight—one is disposed to say—both into human nature and economic causation. Mr. Jackman has little competition to face in the history of transport by water, and it is to this that he makes his most important contributions. Ocean transport does not come within his range; but nothing else is omitted, and he is able to make his story complete, or very nearly so. For reasons which are not quite convincing, he omits the road history of the later nineteenth century, an omission which alone would put this side of his work below that of Mr. and Mrs. Webb. Very sufficient reasons of space force upon him a similar policy in dealing with railways. But as the canal history of the years 1845–1906 is almost a blank, he is able to pass easily and naturally from the story of the early competition between railways and canal companies to the discussions of the Royal Commission on canals and waterways of 1906–9, so relating his history to contemporary problems. His three chapters on river navigation, 1500–1750, on inland navigation, 1750–1830 (the canal age), and on the competition of railways and canals are full of new matter, very thoroughly sifted. The most valuable sections of the first are those dealing with the early advocates of canals and with the navigation movement of the late seventeenth and early eighteenth centuries which produced those 'navigations' which the canals proper supplemented or superseded. Unfortunately, for this period even Mr. Jackman's thorough research cannot give us a satisfying comparison of the costs of carriage by land and by water, as he is the first to admit.

When he comes to the canal age, Mr. Jackman is at his best in the discussion of canal finance. His account of the canal movement itself is learned and sufficient, but not inspiring. There is a slight error on the canal map opposite p. 376; the Cam and Stort Canal is marked as if it had been made, not merely authorized, as is correctly stated on p. 408. The prolonged recapitulations of the arguments used against canals by the advocates of vested interest become as wearisome to the reader as they must have been to the canal promoters. But the discussion of the commercial side of the movement is a most valuable addition to nineteenth-century economic history. One is too often given first the railway argument, that canals made inordinate profits, then the argument on the other side, that they were brutally 'strangled'—that is the favourite word—by the railways. Mr. Jackman can show that, before ever the railways came, between a half and two-thirds of the canals were not paying a 'reasonable minimum' dividend, and his explanations of the causes of this, and of the defects of the canal system as a competitor with railways, are penetrating and exhaustive. In this as in earlier chapters there is a thorough account and criticism of the organization of the business of water-carriage. One learns all about the early days of Messrs. Pickford and other once famous firms, now forgotten. There is a discussion, continuing that of an earlier chapter, of the relative costs of land and water transport during the canal age. Once more the material is not quite satisfying, but Mr. Jackman has done all that can be done with it, and his results are new and important.

After 460 pages of road and canal history, 200 pages are left for the railways. The problems of focus and selection in this part of the book must have been exceedingly difficult; they have not always been successfully dealt with. When space is so limited it seems unnecessary to reproduce almost verbatim all the arguments used at the time against the construction of the Manchester and Liverpool, then those against the London and Birmingham, and then those against the Great Western Railway. Mr. Jackman was unfortunate in not being able to use Mr. Tomlinson's *History of the North Eastern Railway* (1914), the only history of an English railway really written 'from the archives'. If he had, he might perhaps not have held (p. 584) that Hudson, the railway king, was simply a 'gambler in shares' and an 'exerciser of undue influence over directors'. Hudson was both, undeniably, but he was also a great railway strategist. Tomlinson's book was not available, but turning to another aspect of railway history, it seems odd not to find in the bibliography Gustav Cohn's *Englische Eisenbahnpolitik* or Colson's *Transports et Tarifs*, nor in the text any working out of contrasts or parallels between English and non-English railway policy. This would have been of more value to the historian than some of the minute descriptive history of particular railway schemes. The concluding chapters are those dealing with the 'Competition of Railways and Canals' already mentioned, and a chapter on 'The Effects of Steam upon Road Transportation'. Considerable contributions are made to knowledge throughout, and the causes of the final victory of rail over water transport are discussed with admirable thoroughness and impartiality.

Nearly 100 pages of appendices, largely statistical, and the great bibliography already referred to, follow the text. The whole book, as has been suggested, lacks something in form and balance, occasionally in insight. Its style, which is very cumbrous, does not ease the necessary burden of the more technical passages. But, over a very considerable part of the field covered, the work which Mr. Jackman has done should be final.

J. H. CLAPHAM.

*Recueil des Actes du Comité de Salut Public avec la Correspondance officielle des Représentants en Mission.* Publié par F. A. AULARD. XXIV. (Paris : Imprimerie Nationale, 1915.)

THIS volume, like the last issued, gives a picture of disorder and difficulty at home and comparative success abroad. The treaty with Holland was concluded, Luxembourg was occupied, and the first unofficial negotiations for peace with Spain were begun between the Marquis d'Iranda and Meillan. At home the danger points were Lyons, Toulon, and its neighbourhood, and, as always, Brittany and the Vendée. The state of affairs here inevitably reacted on the armies, and though desertions were general, they reached the most alarming proportions in the Army of the Alps and Italy, where they were estimated at 1,000 to 1,200 a decade. A battalion, which had been in garrison at Lyons 800 strong, reached the front reduced to 150, and another of 450 from Marseilles was reduced to 220, including officers. Apart from the proximity of these disaffected neighbourhoods, the principal cause of desertion was the fall in the purchasing power of the soldiers' pay, due to the depreciation of the assignat. A bottle of wine cost 6 francs, and the washing of a shirt 3 to 6 livres. The assignat had one-twentieth of its face-value at Le Mans; on the frontier the rate of exchange was even less favourable, and at Brussels two government clerks, paid in assignats, died of starvation.

In addition to the desertions from the army, 600 sailors were in hiding, and there were at Toulon only rations for the navy for eleven days, and no copper or sailcloth. After the squadron under Vence had been driven into Belleisle by Cornwallis, Villaret put out from Brest, but ' nous manquons totalement de subsistances et, par ce motif, nous n'avons pu donner à l'escadre que pour quinze jours de vivres '. The defeat of this ill-equipped force and the consequent unopposed landing in the bay of Quiberon are the last events of importance related in this volume. The landing was by no means a surprise. For weeks the *représentants en mission* here had been urging the necessity for reinforcements, but so had those at Toulon and Marseilles, while those at Lyons had been obliged to withdraw to Trévoux, because it was out of the question to oppose a hostile and well-armed National Guard of 1,000 by 450 dragoons. On the other hand, the committee had written to the representatives at Toulon that Kellermann ' se plaint qu'on dispose sans sa participation et même sans l'en prévenir des troupes de l'Armée des Alpes et de l'Italie. . . . Cependant il est menacé par les Autrichiens d'une attaque sérieuse et très prochaine avec des forces plus que doubles de celles qu'il peut leur opposer en ce moment.' Their successors are reminded in their instructions that ' il

ne faut pas conclure que ces pouvoirs sont illimités', and that they had not the right to command the armies or give orders to the general. The majority of the representatives were now recalled to the Convention for the impending debates on the new constitution, but this was not the only direction in which the powers of the indispensable few who remained were curtailed. They could no longer divert the rations intended for the army to the civil population, nor could they draw as they wished on public funds. The latter was a constant source of complaint, evidently not without foundation, for the committee had later to supply them with a fixed sum for emergency expenses and secret service.

Detailed and interesting as is the picture given in the 850 pages of this volume, it has its limitations. If the historian consulted it to see what was the effect on public opinion of the death of the Dauphin he would find, as the only reference, that at Grenoble 'le jour où l'on y apprit la mort du jeune Capet, tous les spectacles furent fermés et beaucoup de personnes en ont porté quelques jours le deuil et des crêpes au bras'.

M. A. PICKFORD.

## Short Notices

THE scope of Professor James Henry Breasted's *Ancient Times; a History of the Early World* (New York: Ginn, 1916), is indicated by its sub-title: 'An Introduction to the Study of Ancient History and the Career of Early Man'. Its chief aim is to give an account of the life of man in all its manifestations—society, industry, commerce, religion, art, and literature; at the same time, 'a sufficient framework of political organization and of historical events has been laid down', and an attempt is made to show how each age grows out of its predecessor and each civilization paves the way for that which follows it. Thus, while peoples or lands are naturally treated as separate units, Professor Breasted seeks to sketch the career of man as a more or less continuous whole 'from the days of the rudest stone hatchet to the Christian cathedrals of Europe, without a serious gap'. There is an adequate bibliography, confined however to books in English, and a full index (with a key to the pronunciation). A special feature is the extensive series of illustrations. The author is a well-known Egyptologist of the first rank, and he acknowledges his indebtedness to various teachers of history and specialists who have advised him on the fields outside his own. Thus, great care has been taken to make the book trustworthy; and as it is agreeably written, simple, lucid, and sympathetic, it merits more attention than an ordinary class-book. In its present form it considerably outstrips the smaller 'Short Ancient History' (1914), and it is not easy to name any other handbook of the same scope and utility. By its clearness and wealth of illustration it is likely to do good service both in popularizing and also emphasizing some of the obvious facts of history, which are apt to be easily forgotten amid confident ideals for the future, and in implicitly indicating the futility of assuming that one can cut oneself away from the paths of historical movement in the past. But the author is not openly didactic, he has aimed at being laudably objective, and thus, e. g., on such a subject as Greek democracy, he seems to be scrupulously fair in pointing out the advantages and disadvantages of that particular form of 'tyranny'. There is the same striving after objectivity in dealing with Hebrew history, where his treatment is quietly didactic and secular in the best sense of the words. The book is extremely ambitious in its scope, and therefore likely to strike the imagination; and it is free from the blemishes of some other systems of 'universal' history. At the same time, it must inevitably invite comparison with the greater and more specialistic works, which of course have far more space at their command; and those who know will naturally find many occasions where the treatment will be felt to be too summary and one-sided. In other words, the simplicity,

clearness, and objectivity are apt to be a little misleading, seeing that to obtain a clear and concise account many sacrifices have been necessary. It may not be ungracious—considering the amount of information that is packed away—to express the wish that a little more stress had been laid upon the hypothetical character of some of the constructions or reconstructions.

S. A. C.

Mr. C. W. Previt  Orton's *Outlines of Medieval History* (Cambridge : University Press, 1916) is noteworthy and welcome as evidently based upon a knowledge of the middle ages which has depth as well as width and as more than usually successful in avoiding the dispersion of interest so easy to fall into in surveying that long and varied period. Mr. Orton fairly accomplishes his aim of indicating 'how in the Middle Ages were accomplished the growth of modern man and the life and attitude to life of modern times'. As this involves some loss of local colour and a style which, though clear and well balanced, is usually a little bare and restrained, the book will probably be more appreciated by older than younger students, but this must be accounted a defect of its quality. Not that Mr. Orton does not infuse a greater warmth into his narrative from time to time ; a little more of the glow of his paragraph on Gothic architecture (p. 229) would have stimulated the interest of most readers. It is very hard to find any other fault with so excellent a piece of work, but is it quite fair to say that the Norsemen in Ireland, while ruining the elder Irish civilization, 'added no fresh life to the country' (p. 154)? Was not the development of the coast towns from Dublin to Waterford chiefly due to them?

J. T.

Miss E. M. Jamison, a former student of medieval Italian history at the British School in Rome, has written in conjunction with three other scholars a handbook, somewhat on the lines of Dr. William Hunt's well-known manual, entitled *Italy Mediaeval and Modern ; a History* (Oxford : Clarendon Press, 1917). The writers have wisely devoted a considerable part of their volume to Italian history since 1789, and bring their summary down to the declaration of the present war against Austria-Hungary. It may be doubted, however, whether they are correct in the reasons which they tentatively assign for the Libyan war ; their bibliography of this period is not up to date ; and no adequate attempt is made to fill the greatest blank in Italian history—that since 1870. The book does not even mention Signor Giolitti, who governed Italy for ten years. Lissa is not 'on the Istrian coast' (p. 490).

W. M.

Professor Haskins, whose knowledge of early Norman institutions is now probably unrivalled, has shown in a series of lectures to American audiences (*The Normans in European History*. Boston : Houghton Mifflin Co., 1915) that he is well able to popularize a subject on which he has hitherto written for historical scholars only. It was by no means an easy task to tell, within the compass of this moderately-sized book, a connected story of Norman achievement in the various lands they conquered, but in these lectures it is skilfully performed, special stress being laid on the lasting influence of the Normans as founders and

organizers of states. Though scholars will look forward to the author's promised 'Studies in Norman Institutions', they will welcome the present work for the valuable bibliographical notes appended to each lecture, which contain information hardly to be elsewhere found on the best recent work in French, German, Italian, and American books and periodicals. Perhaps the most novel point made by the author in his text is that 'the Angevin Empire' is a misleading phrase because the Angevin origin of Henry II and his successors had nothing to do with its creation and also because it was not a true 'Empire'. It is a sound point, but he himself is obliged to substitute 'the Norman Empire', which is hardly less open to criticism, while his 'collapse of the Norman empire' (p. 117) soon becomes 'the collapse of the Plantagenet empire' (p. 118), which again appears, under Richard I, as 'the vast Plantagenet empire' (p. 121). A lecturer is bound to be somewhat dogmatic, but, though the author's view that 'Freeman laboured in vain to prove' the persistence of the Witan is also that of the present writer, it would have been fair to give a reference to Liebermann's treatise on the opposite side. Lack of precision also sometimes comes of lecturing; 'Earl Giffard' could not hold 103 'knights' fees in Normandy' in 1172, because the last earl had died in 1164; 'Norman England and Norman Sicily' are vaguely said, on p. 218, to have been 'not greatly different in area', but one gathers on pp. 221-2 that what the writer means is not 'Norman Sicily', but 'Sicily, with Malta, and the southern half of the Italian peninsula', a realm 'about four-fifths the size of England'. It was not Mr. Salzmann, but John Richard Green who 'discovered the proto-journalist' in Giraldus Cambrensis, and one does not feel sure that Tancred's 'Hauteville'—more correctly Hauteville-la-Guichard, where the disillusioned Freeman could find nothing but 'a frightfully stinking ditch'—was a 'barony'. The important part played in Norman administration by the exchequer and the chancery is well brought out by the author, but it is strange to find *Court Life under the Plantagenets* cited for the exchequer, and the scholarly Clarendon Press edition of the *Dialogus* ignored. The book, which is well indexed, deserves to be widely read over here.

J. H. RD.

A large part of the volume of the *Archivio della R. Società Romana di Storia Patria* for 1916 (vol. xxxix) is taken up by two important articles by Signor G. B. Borino on the election and deposition of Gregory VI (1045-6). The author maintains that the contest for the papacy was less between two individual persons than between the Tusculan and the Crescentian parties. The latter in order to remove Benedict IX offered to repay him the sum he had originally expended for the papacy, and then secured the election of Gregory VI. There was, therefore, in Signor Borino's view no sale of the office and no purchase by Gregory. When, however, Henry III entered Italy in 1046 in order to be crowned emperor, it was essential for his policy that Gregory should be got rid of, because he knew that Gregory would not crown him with his consort, since his marriage was within the prohibited degrees. Therefore he had to be deposed. If Signor Borino's conclusions may appear hazardous, no one can study his argument without being impressed by the thoroughness of his knowledge

and the ingenuity of his criticism. He has brought neglected evidence to bear upon a subject which one might have thought was exhausted, and has undoubtedly thrown a great deal of quite new light upon it. A.

In *Les Institutions Municipales de Bordeaux au Moyen Age ; La Mairie et la Jurade* (extracted from the *Revue historique*, cxxiii, année 1916) M. Charles Bémont studies at some length the municipal history of Bordeaux down to the end of the fourteenth century. He shows, as against Girý, that the civic constitution of Bordeaux does in fact belong to the type which Girý has explained so well in his *Établissements de Rouen*, and suggests that the extension of the type to the south-west was the result of the establishment of the Anglo-Norman kings in Aquitaine. It matured, however, slowly ; we have no knowledge of a municipality of Bordeaux until the days of John ; and the energy and skill of the great Bordeaux families brought about a modification of the type very favourable to local independence. This led to the autocratic intervention of Edward I, and the hopeless division of the Bordeaux aristocracy into factions prevented that union in a single body which alone could safeguard the freedom and autonomy of the corporation. In the end the Bordeaux oligarchs ceased to rule and had become a social class, contented and subdued, when the French conquest of the fifteenth century started the history of the city on fresh lines. M. Bémont's chief object in this article is the study of the *Mairie* and the *Jurade*, but in order to do this effectively he has been compelled to put together a general summary of the constitutional and political history of the Gascon capital. The extreme lucidity and precision of the sketch will be of the greatest value to students of Anglo-Gascon history, who are often puzzled by the personal and constitutional situation of the Bordeaux magnates. It will be news to many that the house of Calhau, with which Peter Gaveston was associated by marriage, was split up into two branches, represented in the early fourteenth century by Peter and Arnold Calhau, and that these branches belonged to the rival factions of the Colons and the Solers. The practice which arose of choosing a mayor of Bordeaux, like an Italian *podestà*, from another city or country is another interesting peculiarity brought out by this study. Before there were English mayors, there were mayors from the Toulousain and from other alien districts of the south-west. This article is the first chapter of a series of studies of Aquitanian municipal history which M. Bémont has already written and which he hopes before long to issue as a book. Its special object will be to trace in the south-west the development of the rival municipal types of the Consulate and the *Jurade*, according as Languedocian and Toulousain or French and Norman influence prevailed. Such a work will be looked for with the greatest interest. T. F. T.

In the *Last Months of Chaucer's Earliest Patron* (*Transactions of the Connecticut Academy of Arts and Sciences*, xxi. 1-144. New Haven, Connecticut, 1916) Professor A. S. Cook of Yale carries further an earlier investigation into *The Historical Background of Chaucer's Knight*, already published in the same series. Here the 'historic background' is thin enough, for there is evidence that Chaucer had already passed

from Lionel of Antwerp's service to that of Edward III before 1368, so that the odds are against the future poet having accompanied Lionel on his journey to Milan to be married to Violante Visconti. Professor Cook has taken great pains and put together a large amount of useful information about the end of Duke Lionel's life; but he has spread his net very widely; he has indulged in curious latitudes of conjecture, and his conception of the nature of historical authority needs stiffening. There is little use in quoting long extracts from Sismondi and Macaulay, and not much in imagining what Lionel might have seen in Florence or Venice, places which he certainly never visited. Nor is the elaborate discussion of the origin of his name and title very convincing, though to the 'lion of England' view we may add that the 'lion of Brabant' was as likely to be appropriate for a prince who was born at Antwerp and whose father wished to conciliate local opinion. There are some lapses that show Professor Cook is not very much at home in the fourteenth century. Thus the Hugh le Despenser who accompanied Lionel to Milan is confused with his grandfather in a note which also confuses Lionel's first wife with her grandmother (p. 73, n. 100). Compared with this the under-estimate of the distance between Bourg-en-Bresse and Chambéry (p. 39) is venial. As a rule, however, the book is accurate and usefully corrects earlier work on the same subject.

T. F. T.

The central aspect of the history of fifteenth-century commerce is the expansion of the trade between the Baltic and southern Europe, the intercourse and the rivalry of the many seafaring peoples who shared in it, and the vicissitudes of those ports, mainly in the Netherlands, whose prosperity depended upon their use as calling-places and marts in this traffic. Many new side-lights are cast on this subject by Dr. Z. W. Sneller in *Walcheren in de vijftiende Eeuw (Utrechtsche Bijdragen voor Letterkunde en Geschiedenis*. Utrecht: Oosthoek, 1917). The several routes from the Baltic, the Rhine, Holland, England, France, and the Mediterranean towards Flanders and Brabant converged on the Veergat and the Wielinge on the north-east and south-east sides of Walcheren, and merchantmen from all these quarters found convenient anchorage and supplies along the coast from Veere to Rammekens. Middelburg, as the centre of this region and the capital of Zeeland, aimed at securing the privileges of a staple-mart; but though this right was granted in 1405 and confirmed in 1433, it was rendered ineffectual by the natural tendency of Middelburg to become rather a port of transhipment than a market. The seafaring vessels of the Bretons, the Hanseatic merchants, and the English anchored and took in stores, whilst their cargoes were transferred to lighters and barges for Bruges, Antwerp, Dordrecht, and Bergen-op-Zoom. But though only occasionally, as in 1382, appointed as the official staple, Middelburg always afforded an alternative market of some importance for English cloth and yarn, and the fraternity which later became the Merchant Adventurers' Company had a settlement and a chapel at Middelburg as well as at Bruges. Natural causes contributed greatly in the fifteenth century to alter the location of trade. As the silting up of the Zwin cut off Bruges from the sea, the

deepening of the Honte furnished an alternative approach to the Scheldt and Antwerp, especially for the small vessels that did most of the English trade to the Netherlands, and these did not pass Middelburg, and need not tranship there. Dr. Sneller shows himself so fully equipped for his task that English readers will cordially share his hope that he may give us a volume on Walcheren in the sixteenth century. G. U.

When Miss Irene Wright chose such an attractive subject as *The Early History of Cuba, 1492-1586* (New York: Macmillan, 1916), and took the trouble to study it from the original sources in Spain, it seems a pity that she has produced such a dull book. Her investigations were most thorough; but Miss Wright has failed to form any clear idea in her own mind of the meaning of the sources she has read, and her English is very bad. The following passage may be cited as a specimen:

Thus was the actual conquest of Cuba undertaken in perfect accordance with great policies which, emanating from Castile but especially now from Aragon, were felt at the time in every European court from the Golden Horn to the Pillars of Hercules. In the antipodes an obscure governor's lieutenant's lieutenant, hacking his way through a primeval jungle, stepped forward in exact measure with the greatness, and with the smallness, of 'the Catholic Kings', for these beneficent anxieties lest the natives of Cuba be alarmed arose directly out of Ferdinand's sordid rapacity—he was less tender of aborigines where no gold was to be expected; the demand for confessed allegiance explains itself, and the intention to convert was Isabella's political policy of effective union, in 'the faith', via obliteration of all racial distinctions [p. 28].

Furthermore, such expressions as 'hostilize the natives' (pp. 22 and 43), 'by which the rest might pattern' (p. 44), 'made extensive' (p. 48), are bad enough, but Miss Wright appears to make no distinction between transitive and intransitive verbs, to judge by the following examples: 'Vessels returning continued to wreck frequently on the south coast of Cuba' (p. 60); 'he may be glimpsed occupying himself with Cuba's affairs' (p. 93); 'he commanded the governor to embargo French vessels' (p. 259); 'they rallied their influential names to communications to the crown' (p. 283); and 'these circumstances were to retire France from her historic position' (p. 285). The truth would seem to be that Miss Wright, having written a book on modern Cuba, has attempted to master the original records in the *Archivo de Indias* at Seville, but the task has proved too difficult. Pezuela's work is out of date, but at all events it is readable. Miss Wright's book may contain a good deal of fresh matter, but unfortunately it is unreadable. She would also have done well to consult the French sources for this period, of which she makes no mention.

H. P. B.

Professor Carlton J. H. Hayes's two volumes on the *Political and Social History of Modern Europe (1500-1914)* (New York: Macmillan, 1916) are written primarily for students in American universities and seem to be admirably adapted for their purpose. It is obvious that much which seems almost sacrosanct to the historical specialist must be omitted, but Mr. Hayes has been singularly successful in providing a comprehensive, clear, and well-balanced sketch of the development of European politics and society during the last four centuries. There are of course slips, particularly in

the sphere of domestic history: Henry VII did not establish the Court of Star Chamber (i. 5), and to talk of 'a farm, or manor as it was called' (i. 29) is not very happy. But one has to realize how extraordinarily difficult it must be to describe a manor at all to an American student innocent of mediaeval history; and if Mr. Hayes had paused to give an accurate definition of the words he is compelled to use in describing the social conditions of the sixteenth century, he could never have accomplished the main purpose of his book, which is to explain the European world as it exists to-day. With this object Mr. Hayes expands his scale as he proceeds; one volume deals with more than three centuries, the other with only one. The second is perhaps the better of the two, and we know of no more satisfactory single-volume sketch of the history of Europe since 1815. That is perhaps its chief merit in an English reader's eyes; to the American student no small part of its value will be its account of English development since the battle of Waterloo. For English history since 1783 has tended to become almost as much a closed book to American students as American history is to English students, and it is time that schism of historical learning were closed. Mr. Hayes's maps are distinctly good, except that the map of the religious divisions of Europe in 1600 anticipates the plantation of Ulster and gives an Anglican hue to the lands of Tyrone and Tyrconnell. His genealogical and other tables are elaborate and careful, and his bibliographies almost too detailed; but he gives the impression, not too common, of having really read the books he recommends.

A. F. P.

Dr. K. A. Kuznetsov's *Angliskaia Palata Obshchin pri Tiudorakh i Stiuartakh* (Publications of the Imperial University of Odessa, 1915) is a solid volume on the house of commons in Tudor and Stuart times based on research in the Public Record Office and in the British Museum, and of the seventy modern books that the author includes in his bibliography, no less than nine-tenths are English. Three, it may be mentioned, are Russian: his own *Essays in the History of Political Ideas in England*; Krusman, *At the Dawn of English Humanism*; and Shalland, *The Immunity of the Representatives of the People*. In an agreeably human preface Dr. Kuznetsov, inspired by the enormous energy expended or wasted (the word has both senses) on classical texts, cries out for a far more intensive publication of English historical sources. A critical edition of the parliamentary debates and a complete biographical dictionary of the members of parliament he regards as indispensable preliminaries to the reconstruction, with the aid of diaries and accounts, of its daily life. His own work represents a revolt against the tendency to deduce the political theories of the past too much from what men wrote rather than from what they did.

As bookish theory possesses its own connexion with life, so life possesses its own more or less stable theory. And this we must attempt to reconstruct, although it may be from motley and ill-matched materials. Such is the aim of my present book. . . . From institutions, from their daily working, I aspire to reveal those ultimate convictions by which the working is directed.

And the final interest of the Elizabethan and Stuart epoch, as of English constitutionalism in general, he finds in 'convictions within institutions',

as public opinion grew strong enough to infuse a new soul into institutions which externally remained the same. It is, naturally, impossible that a book which deals with both the theory and the case law of parliament within the limits indicated by Dr. Kuznetsov should transform our view of our constitutional history, and the ending is abrupt and inconclusive. But the achievement is considerable and the treatment interesting both in structure and in detail. The difficulties of production without returning to the scene of the research would be less obvious if the friendly aid of an English scholar, not necessarily an historian, had been invited when the work was in proof.

W. F. R.

Mr. Johan E. Elias's *Schetsen uit de Geschiedenis van ons Zeewezen, i: 1568-1652* (The Hague: Nijhoff, 1916), is divided into two parts, the first of which covers the period from the outbreak of the Eighty Years' War to the twelve years' truce, and the second that from the truce to the first English war. It gives an excellent history of the Dutch navy on its administrative side and brings out very clearly the difficulties with which the navy had at all times to contend. These were mostly due to the excessive weakness of the central authority and the impossibility, except under the urgent threat of foreign danger, of securing any steady concerted action. The results were deplorable, the local admiralities being always in debt, the pay of seamen and officers heavily in arrear, and the ships far too few and too small and so badly equipped that they sometimes were unable to leave harbour. Meanwhile, the Dunkirk corsairs were preying on Dutch commerce. This, of course, is only one side of the picture, and the feebleness of the official navy was not the real measure of Dutch sea power. A powerful company like the East India Company kept better equipped ships and paid its crews and officers better, no doubt securing thereby a superior personnel to that which was serving the state, while other organizations, such as the herring fishery, possessed what in those days, when the distinction between the man-of-war and the merchantman was not yet clearly drawn, was a valuable military organization. In 1639, after the opposition of Amsterdam had defeated all the efforts of the Stadholder to secure an adequate fleet, the appearance of the Spanish fleet in the Channel produced a revulsion of feeling, and Tromp, who in September had had to meet 67 Spanish ships with 29, found within four weeks a fully-manned fleet of 96 ships and 11 fireships at his disposal. But no permanent improvement resulted, and Mr. Elias concludes his book by observing that it was a fortunate accident, the illness of Tromp at the end of 1651, which prevented his sailing with the fleet and kept him to direct naval affairs at home, so that the United Provinces were able to meet England next year in a war at sea not quite unprepared. The existing system was in fact incapable of furnishing a strong navy, though popular enthusiasm or the genius of a great leader might temporarily produce one. The book is evidently based on an exhaustive knowledge of authorities, which are freely quoted, but it does not claim (there is no preface) to utilize fresh material.

H. L.

M. Albert Monod's lengthy doctoral thesis, *De Pascal à Chateaubriand* (Paris: Alcan, 1916), is a critical history of Christian apologetics during

the period under review. The author seems to know every work both large and small on the topic. The bibliography, which attempts to be exhaustive, reaches to nearly 100 pages. The work though crammed with erudition does not appear overloaded. M. Monod's critical faculty is always alive; and he is not weighed down by his reading. His conclusion is that

Les luttes au siècle de Voltaire ont amené les chrétiens à se connaître eux-mêmes, à découvrir l'essence de leur foi et le critère intérieur de la vérité religieuse. C'est dans le cœur humain qu'elle a son siège et sa preuve. Le combat ne fut donc pas stérile, puisque le christianisme traditionnel devait sortir de sa lutte inégale profondément modifié.

The book is one for students, and for them will be of high value.

J. N. F.

The thirty-sixth volume of the *Bijdragen en Mededeelingen van het Historisch Genootschap* (Amsterdam: Müller, 1915) contains a long account of a visit to the Netherlands in 1677-8 written probably by Guido de Bovio of Bologna. It is edited from a manuscript in the Ferraioli library at Rome by the late Monsignor Gisbert Brom.

B.

Vol. v, no. 3, of the *Transactions of the Baptist Historical Society* (April 1917) is very miscellaneous in its contents. Of general interest is a survival in 1743, in a quarter so unlikely as the baptist, of the practice of occasional conformity. The offender has done so 'to qualify himself for executing an office of trust or profit' in spite of the fact that he incurs no penalty by refusing. The editor of the Baptist Board Minutes has not ascertained the status of the baptist who has not availed himself of Walpole's Act; probably he was a man of some position. The Board agrees unanimously 'that it is absolutely unlawful for any Member of a Gospel Church to commune with the Church of England on any consideration whatsoever'. The tension between the nonconformists and the methodists is manifest in an entry in the same minutes, when in 1750 there was 'some uneasiness among the Brethren relating to Mr. Stephens being publicly concerned at the Tabernacle'. At the next meeting 'Mr. Stephens attended and gave an account of his total separation from the Methodists, to the satisfaction of the Brethren'. The Tabernacle was Whitefield's head-quarters; Wesley had had the same difficulty at Newcastle in 1743. Both baptists and independents regarded methodists, whether Calvinist or Arminian, as encroaching upon their flocks, and the success of Wesley and Whitefield in this respect filled their societies with recruits who were ready, when the opportunity came, for a separation as complete as that in which they had been reared.

C.

The earliest history of the British army in India is of very great interest, and the details which research in the records continues to discover will enable us before long to produce something like a complete and scientific study of the subject. Meanwhile, a number of valuable monographs, many of them contributions to the excellent local historical societies now common in British India, are helping to collect and arrange facts.

Mr. S. C. Hill has written an excellent study of an officer whose career well deserved recording, in *Major Randfurlie Knox* (Patna : Superintendent Government Printing, 1917), in which the life of that very worthy officer of Clive's is traced from his quaint experiences as a Woolwich cadet (1749) to his death at Patna in 1764. D.

In *French Policy and the American Alliance of 1778* (Princeton : University Press, 1916) Professor Edward S. Corwin examines the policy which led to the Franco-Spanish intervention in the American war of Independence. Intervention was the policy of Vergennes, and its object was the enfeeblement of British power by the subtraction from her of a third of her empire. It was the feeling of revenge for the Seven Years' War. Between Turgot, with his belief that it was of little importance whether England kept her colonies or not at this juncture, and Vergennes, with his feigned apprehension of an Anglo-American reconciliation and combination to attack the French Antilles, Louis XVI at first hesitated. The attitude of Spain too was not reassuring. Spain cared little or nothing for the American colonies and looked askance at rebels ; she was primarily anxious to acquire Portugal, and, when her dispute with Portugal was peaceably settled (1777), to recover Gibraltar and to keep the Americans from acquiring the Mississippi frontier. The steps by which Vergennes led France into the war, brought Spain after her, kept the peace on the Continent, and helped America to secure her prime aim of independence are lucidly and fully traced out by Professor Corwin. Vergennes, as he shows, achieved the ends of his diplomacy, but in some main respects miscalculated its consequences. The book gives an interesting and impartial study of this critical episode in French policy. E. A. B.

In an elaborate paper in the Massachusetts Historical Society's *Proceedings* (May 1917) on the struggle over the adoption of the constitution of Massachusetts, 1780, Mr. Morrison throws doubts 'whether the Constitution of Massachusetts, now in force almost 137 years, was ever legally ratified'. H. E. E.

In an admirable introduction to a reprint of *Wordsworth's Tract on the Convention of Cintra* (London : Milford, 1915) Mr. A. V. Dicey pointed out how far Wordsworth was in advance of the statesmen of his age in the value he attached to the doctrine of nationalism, which was violated by certain stipulations in the convention affecting the interests or feelings of the Spanish and Portuguese nations, and he showed that the foreign policy of England during the nineteenth century was successful so far as it coincided with this doctrine and failed wholly or in part when it disregarded it. In his new volume on *The Statesmanship of Wordsworth* (Oxford : Clarendon Press, 1917) he develops this position in an essay worthy of his reputation as a master of political science and written in a style instinct with energy. He maintains that with regard to the French revolution itself Wordsworth's feelings scarcely changed at all : the crimes of the 'Terror' did not shake his confidence in the blessings of liberty ; he rejoiced as at the first that France had broken the yoke of

her bondage, and he was wroth at the attempts of foreign powers again to lay it upon her. But he learnt from Burke that the revolutionary theories and aspirations of his youthful days were delusions, and while not losing his faith in freedom he ceased to be a republican and became a nationalist ; and it is as such that he must be regarded politically, and not as either a whig or a tory, for so long as he was actively concerned with politics he was neither the one nor the other. His nationalist doctrine, conceived some twenty years before Mazzini published it, that every European state should represent a nation, that no nation should be subject to a foreign power, and that its independence should be upheld by every other independent nation, was in his day set at naught by Napoleon. From 1802 he saw Napoleon destroying or threatening national independence everywhere, and he therefore held that, to secure her own independence and to vindicate the right of every other European state to independence, it was England's duty to carry on war against him until his power was destroyed. Inspired by the lofty and confident patriotism implied in this contention he appealed to his countrymen, in dark years when some were fearful and others were blind as to the true character of Napoleon's aims, to rise to a higher life and to a firm belief in the final triumph of their country's just cause. His patriotic sonnets are justly described here as 'the finest war-songs ever composed by a patriot to stir up the valour and nobility of his country'. As the immediate need of Europe was the restitution or protection of the independence of actual nations, he may or may not have foreseen that nationalism gone mad, as one may say, might become a disruptive force tending to break up states which should have remained in unity ; it is certain that he recognized that nationalist feeling might be perverted so as to render it subservient to the desire for military achievement and aggression on the national independence of other states, and to meet such a danger he desired a new balance of power which would prevent any one state from becoming so strong militarily as to endanger the independence of others.

W. H.

Mr. F. D. Ascoli's little book on the *Early Revenue History of Bengal and the Fifth Report, 1812* (Oxford: Clarendon Press, 1917), satisfies a conspicuous want. For historical study or for purposes of civil administration the Fifth Report of the Select Committee on the Affairs of the East India Company issued in 1812 is continually in request. In spite of some defects (of which an inability to prophesy correctly is one which need excite no surprise) it remains, a century after it was written, the best account of the revenue history of Bengal and of Cornwallis's reforms. The report itself had become practically unprocurable. And though Mr. B. H. Baden devoted a few pages to it in the first volume of his standard book on Indian Land Systems (1892) and Sir W. W. Hunter gave a lucid criticism of it in the preface to his *Calendar of Bengal Records* (1894), there was no detailed analysis of its rather complicated mass of facts nor any satisfactory guide through its pitfalls. Mr. Ascoli, while reprinting the text itself, has furnished it with elucidations, historical, linguistic, and critical. His work is extremely well done and should be of permanent usefulness. Two points of importance in his introduction may be noticed. (1) He

is decided in declaring that there is 'no evidence to support the view' that Cornwallis desired to make the zamindars into landlords of the English type: 'It is immaterial to Government', wrote Cornwallis, 'what individual possesses the land, provided he cultivates it, protects the raiyats, and pays the public revenue.' (2) He points out that the Permanent Settlement was but a small part of the Cornwallis Code which 'formed the foundation of all subsequent British administrations in Bengal'.

W. H. H.

A small volume by Messrs. C. D. Hazen, W. R. Thayer, and R. H. Lord, on *Three Peace Conferences of the Nineteenth Century* (Cambridge, Massachusetts: Harvard University Press, 1917), that is, the congresses of Vienna, Paris, and Berlin, deals rather with the social side than with the political results of the negotiations, the personality of the plenipotentiaries than with their achievements. For those who wish to study the history of the questions involved in them, a useful bibliography is provided. The book also contains a paper by Mr. A. C. Coolidge, entitled *Claimants to Constantinople*, which, however interesting, lies outside the sphere of this Review.

E.

A careful study of manuscript material for the period 1815-61 in the Public Record Office and in the Department of State at Washington, as well as of printed material, such as *Parliamentary Papers*, entitles Miss Mary W. Williams to claim authority for *Anglo-American Isthmian Diplomacy, 1815-1915* (Washington: American Historical Association, 1916). Miss Williams finds no difficulty in adopting the American view that the terms of the Clayton-Bulwer treaty were retrospective in character; notwithstanding that Clayton himself wrote that it was not intended by the British or American Governments or by the negotiators 'to include the British settlement in Honduras . . . nor the small islands in the neighbourhood. The chairman of the committee on foreign relations of the senate, the Hon. William R. King, informs me that "the Senate perfectly understood that the treaty did not include British Honduras".' Miss Williams asserts that the treaty of 1814, between Great Britain and Spain, confirmed the article of the treaty of 1786 with regard to the situation in British Honduras; but we have not been able to find such confirmation, and the British contention always was that the treaties of 1783 and 1786 had been abrogated by acts of war and had never been renewed at the settlement of 1814-15.

H. E. E.

International law is not usually regarded as belonging to history. Yet as domestic legislation is an important element of the political history of states, it may justly be urged that the laws and customs which regulate the relations of states with their allies and rivals cannot safely be neglected by historians. In the opinion of most writers on the law of nations the practices of governments and their declarations as to the rules they consider to be binding on themselves are the real foundations of the law. And these are historical facts. The most interesting of the cases cited in Mr. Ronald F. Roxburgh's *International Conventions and Third States*

(London: Longmans, 1917) is that of *Costa Rica v. Nicaragua* before the Supreme Court of the United States. The effect of an 'accession' or 'adhesion' clause in treaties is treated in a luminous manner. Lastly, the author gives a well-chosen list of authorities referred to and an excellent index. F.

It is an encouraging sign of the times to find Professor L. F. Rushbrook Williams publishing four *Lectures on the Handling of Historical Material* as the first number of the *Publications of the Department of Modern Indian History, Allahabad University* (London: Longmans, 1917). But it is hard to feel sure that the very miscellaneous provender which Mr. Williams has set before his Indian audience will be likely to give it a clear idea of the nature of historical material for any definite field of study, and in particular for any subjects that are likely to fall within the province of a department of modern Indian history. The author's categories of sources are such as a western medievalist would deal with, but he spices his discourse on charters, rolls, and writs with an occasional reference to Indian history that seems dragged in by the ears to please his audience. It is impossible in three lectures to range, however superficially, over all history, and the confusion which the method excites is worse confounded by a singularly irrelevant fourth lecture on personality in history. And if the 'Year Books' are not very clearly either 'proceedings of Courts of Record' or 'Formal Official Documents', as Mr. Williams suggests, it is news to us that they are being 'edited by Professor Vinogradoff' (p. 20). More definiteness in relation to some particular field of study, less allusiveness, more clarity, simplicity, and precision are surely needed before the Indian student can be lured from the text-book to the source, as it is much to be desired that he should. G.

Dr. Shailer Mathew's lectures on *The Spiritual Interpretation of History* (Cambridge, Massachusetts: Harvard University Press, 1917) are mainly directed against the somewhat exclusive view of history as a resultant of economic forces. They are thoughtful and suggestive, and if the general result may seem too optimistic, this will not be for want of cautions from the author against hasty generalizations. Some of his arguments for the growth of higher principles in social and political life—the substitution of moral for physical control, the recognition of the individual, and the transformation of rights into justice—may, if taken singly, fail to give conviction. But the well-balanced tone and the insistence on practical efforts towards social ideals are commendable and ought to prove stimulating. A. G.

The rapid changes which follow one another in the present time of confusion make the *Statesman's Year-Book* (London: Macmillan), of which the volume for 1917 appeared in June, historical in a sense which was never contemplated when this valuable publication was started more than half a century ago. For example, the list of the provisional government of Russia given on p. 1,226, as well as the revised list of 16 May printed on p. xlii, are both obsolete and have become matters of history.

Among the additions is some useful information about Arabia, accompanied by a good map. That there are many gaps in the statistics provided is inevitable, and we are not surprised that the editor has been able to reduce the bulk of the volume by more than fifty pages. It is interesting to notice that it has not been thought necessary to reprint the list of members of 'the Hague Tribunal, officially the Permanent Court of Arbitration', which filled four pages in the issue for 1916. H.

The archbishop of Canterbury in a foreword to *The Magdalen Hospital*, by the Rev. H. F. B. Compston (London: Society for Promoting Christian Knowledge, 1917), says, 'It is right that this book should have been written and Mr. Compston has risen worthily to the accomplishment of a not very easy task'. Both these statements are true; the story of the hospital is edifying, and it has been well done by Mr. Compston. It is not his fault if, from the point of view of the readers of this Review, it will not compare with similar books that have recently appeared, such as the *History of Bethlehem Hospital*, by Mr. O'Donoghue, or the *History of Charing Cross Hospital*, by Dr. James Galloway. The Magdalen Hospital for fallen women has few materials for history; it was founded in 1758 in Prescott Street, Whitechapel, and has been well managed from the first; in 1772 it was transferred to St. George's Fields in Southwark, and in 1869 to Streatham. It appears that it receives fewer subscriptions now than at any period of its history and that there is a deficit which grows larger each year. I.

In the *Annales de l'Hôtel de Nesle* (Extrait des *Mémoires de l'Académie des Inscriptions et Belles-Lettres*, tome xli. Paris: Imprimerie Nationale, 1916) M. Henri Cordier writes at length in good old-fashioned style a copiously documented history of the famous Parisian town house at the point where the wall of Philip Augustus touched the bank of the Seine at the north-west angle of its southern side. He lays down his pen when the site of the Hôtel de Nesle was chosen for the erection of Mazarin's posthumous Collège des Quatre-Nations, to be itself in time succeeded by the Palais de l'Institut, whose members naturally take special interest in the history of the ground on which their own home stands. The story which connects the Hôtel de Nesle with the guilty loves of the daughters-in-law of Philip the Fair has no historical foundation and does not go back beyond the sixteenth century. The very varied ownership of the hotel rather diminishes the interest and coherence of its annals. T. F. T.

M. Lucien Lambeau has added to his studies of the suburban communes annexed to Paris in 1859 a book on *Charonne*, tome i (Paris: Leroux, 1916). It deals exhaustively with the history of the seigneurie, park, castle, churches, and antiquarian remains of the district before its absorption in Paris. The cemetery of Père-Lachaise lies within the area. The writer recalls the storming of the cemetery on 30 March 1814 by two Russian divisions, who afterwards cut down its trees for firewood, and the destruction of the Communists in an even bloodier engagement at the same spot on 28 May 1871. G. B. H.

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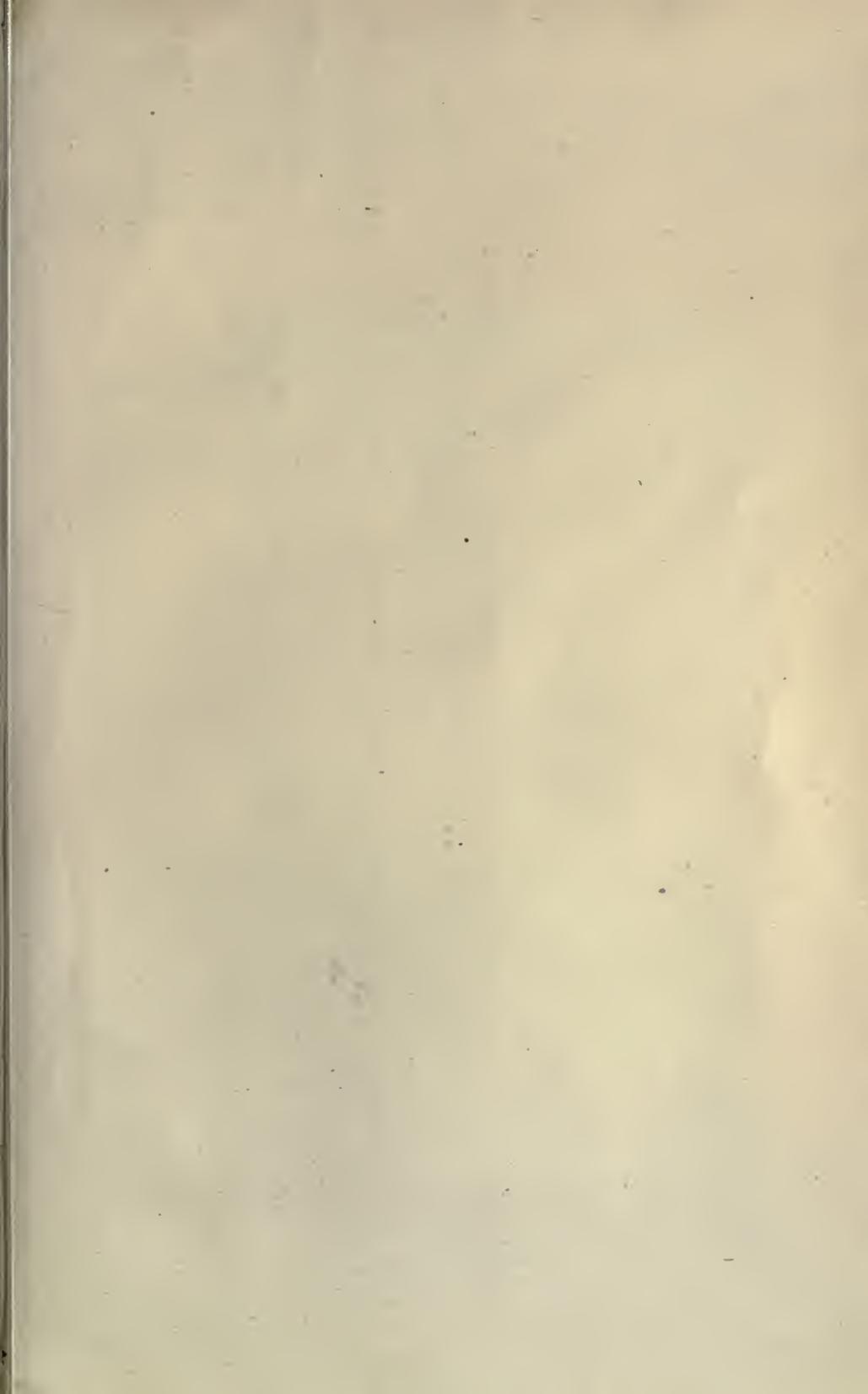
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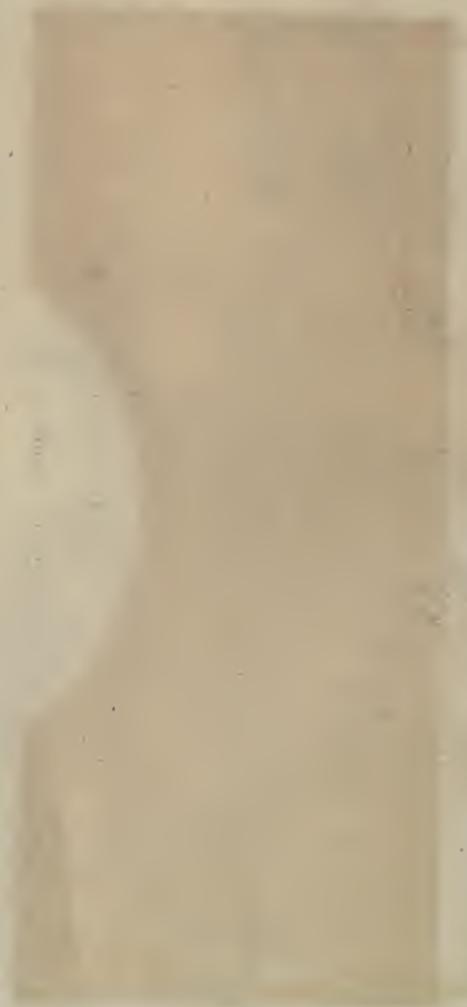
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